

MAINE STATE LEGISLATURE

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Report
of the
Land and Water Resources Council
Regarding
the State's Land Use Mediation Program

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REPORT OF THE LAND AND WATER RESOURCES COUNCIL REGARDING THE STATE'S LAND USE MEDIATION PROGRAM

I. Introduction

In 1995, enacting P.L. 1995 c. 537, the Maine Legislature established the Land Use Mediation Program. The Legislature directed the Land and Water Resources Council (L&WRC) to "report by December 1, 1998 and December 1, 2000 to the Governor, the Administrative Office of the Courts, the Executive Director of the Legislative Council and the Director of the Court Alternative Dispute Resolution Service on the operation and effectiveness of the land use mediation program" 5 M.R.S.A. §3331, sub-§5. The Legislature further required that the L&WRC's report must "list the number and types of mediation requests received, the number of mediation sessions conducted, the number of signed mediation agreements, a summary of the final disposition of mediation agreements, a narrative discussion of the effectiveness of the program as determined by the council, a summary of deposits and expenditures from the land use mediation fund created in Title 4, section 18-B, subsection 10 and any proposals by the council with respect to the operation, improvement or continuation of the mediation program." *Id.* The L&WRC is providing this report in fulfillment of these requirements.

II. Land Use Mediation Program Activities

Exhibits A, B, and C (attached), reports prepared by the Court Alternative Dispute Resolution Service (CADRES) for the Land and Water Resources Council, outline the number, type and disposition of land use mediation matters handled through the program from its establishment in 1995 to date.

In summary, CADRES reports that the Program handled seven applications for mediations during this period of time. Three of these seven matters were resolved through mediation and resulted in mediation agreements.

III. Land Use Mediation Program Fund

4 M.R.S.A. section 18-B, subsection 10, paragraph B provides that:

"B. A land use mediation fund is established as a nonlapsing, dedicated fund within the Administrative Office of the Courts. Fees collected for mediation services pursuant to Title 5, chapter 314, subchapter II must be deposited in the fund. The Administrative Office of the Courts shall use the resources in the fund to cover the costs of providing mediation services as required under Title 5, chapter 314, subchapter II."

In accordance with 5 M.R.S.A. section 3341, subsection 2, paragraph C, CADRES has established a \$175 application fee for mediation services under the program. Having received

seven applications for mediation, CADRES has collected \$1,225 in fees to date. In the three mediations conducted to date, CADRES paid out the \$175 fee collected to the mediator that provided professional mediation services to the parties. The court system retained the \$175 fee in the four instances where an application was filed but the parties did not mediate the dispute. The court system requires no filing fee in addition to the \$175 application fee to cover mediation services.

IV. Program Assessment

A. Program effectiveness

Based on information presented in this report and discussion with CADRES Director Diane Kenty, the L&WRC believes that the Land Use Mediation Program provides a useful opportunity for efficient resolution of disputes and should be continued. The Program provides a low cost alternative to litigation with local or State agencies. CADRES has received several inquiries from researchers, agency officials, and legislative staff in other states expressing interest in establishment of a comparable program.

When used by parties to a land use conflict, the Program appears to have worked well in resolving disputes that may have otherwise resulted in litigation and attendant public and private costs. Parties resolved each of the three matters mediated to date. CADRES reports that participants in the mediation expressed satisfaction with the process and gratification that mediation had resolved the conflict.

The L&WRC believes that the only concern about the program is the level of use to date. The L&WRC suggests that a major barrier to realization of the Program's potential may be lack of public awareness about the Program. CADRES has taken steps to make the Program user friendly: there is a brief, simple application form that does not require the services of a lawyer; CADRES has developed a brief informational brochure about the Program; and there is no court filing fee in addition to the \$175 mediation fee. CADRES has developed a statewide list of skilled and trained mediators selected to mediate land use conflicts. Exhibit D lists the minimum qualifications for these mediators.

B. Suggestions for Improvement of the Program

The L&WRC has two basic recommendations for improvement of the Program.

1. Increase public awareness.

The Council recommends that additional steps be taken to increase public awareness of the Program and its availability to resolve land use disputes. CADRES Director Diane Kenty has also made presentations regarding the program to the Department of Environmental Protection, the Maine Municipal Association, and others.

The Council encourages further outreach efforts by CADRES to this end using existing budgeted resources. The L&WRC also encourages the Judicial Branch to provide additional information on the Program through its WWW site and other public information outlets.

In addition, the L&WRC suggests that the State agencies and municipalities that permit land use activities, in consultation with the Attorney General and municipal legal counsel, respectively, consider inclusion of information about the Program with the notice about rights of appeal routinely provided to license or permit applicants with a final decision. The Council notes that legal advice is suggested to ensure that inclusion of this information does not mar the notice of appellate rights necessary to trigger the time period for appeal.

2. Consider amendment of requirement to file copy of mediation agreement.

5 M.R.S.A. section 3341, subsection 12, paragraph D requires the mediator to include "a copy of any written agreement" reached through the mediation process in the report that the mediator must file with the Superior Court clerk within 90 days of the landowner's application for mediation. While the L&WRC endorses the requirement that the mediator file a report with the Court, requirement that the report contain a copy of any written agreement reached may be inconsistent with the comparatively informal nature and purposes of dispute resolution through mediation.

Exhibit A

STATE OF MAINE
JUDICIAL BRANCH
COURT ALTERNATIVE DISPUTE RESOLUTION SERVICE

Report on Land Use Mediation Program
March, 1998

Pursuant to 5 M.R.S.A. § 3341(2), the Court Alternative Dispute Resolution Service (CADRES) hereby submits a report to the Land and Water Resources Council concerning the Land Use Mediation Program established in 1995.

A. Applications Received for Land Use Mediation.

In the period since February, 1997, four land use disputes were submitted to the Land Use Mediation Program, three by Application and one by order of the court.¹ Two of the disputes were in Cumberland County, one in Kennebec County and one in Somerset County.

B. Land Use Disputes Mediated.

In the period since February, 1997, two disputes were mediated, one in Kennebec County and one in Somerset County.

In Kennebec County, the dispute concerned the conditions imposed for a subdivision permit, which had been granted. The landowner objected to the conditions. This dispute was the first to be mediated with a state agency pursuant to the Land Use Mediation Program. In addition to the landowner, officials from the Departments of Environmental Protection and Inland Fisheries and Wildlife and an Assistant Attorney General participated in the mediation.

The Somerset County dispute involved the operation, use and maintenance of an automobile graveyard and/or junkyard. The participants were the landowners and two Selectmen from the Town of Harmony.

In one of the Cumberland County disputes, mediation did not occur because the City of Portland declined to participate in mediation.

In the other Cumberland County dispute, the parties reached agreement prior to mediation.

By agreement of both parties, this was treated as a dispute submitted for mediation as part of the Land Use Mediation Program.

C. Outcome of Mediation Sessions.

In both of the disputes mediated, the parties reached agreement and settled the dispute.

D. Attachments

1. Application for Land Use Mediation
Wolf et al. and Town of Falmouth et al. (Cumberland County)
2. Application for Land Use Mediation
Wolf and City of Portland (Cumberland County)
3. Application for Land Use Mediation
Sidney Estates Association et al. and Maine Department of Environmental Protection (Kennebec County)
4. Report to Clerk of Mediation Session
(same)
5. Pretrial Order
Inhabitants of Town of Harmony v. Gordon & Donna Bridges,
Docket # SKO-CV-97-65 (Somerset County)
6. Final Agreement
(same)
7. Judgment dated 3/31/98
(same)

In addition, the Application for Land Use Mediation developed for this purpose is attached. To initiate mediation, landowners may simply complete this form at a Superior Court and file it with the fee of \$175 (no additional filing fee required).

A short brochure describing the Land Use Mediation Program is also attached.

STATE OF MAINE

Apr 16 9 59 AM '97

SUPERIOR COURT
CUMBERLAND, ss.
Docket No. _____

LLOYD B. WOLF and ROBERT L. ADAM

Property Owners

and

APPLICATION FOR
LAND USE MEDIATION
(5 M.R.S.A. 3341(4))

TOWN OF FALMOUTH and THE FALMOUTH
PLANNING BOARD

Governmental Entity

We hereby apply for mediation in the above matter; and have paid the mediation fee of \$175.00 for the initial session to the Clerk of Court.

We hereby certify that we own the Property at the following location that is the subject of a dispute: A parcel of property located in the Town of Falmouth, appearing on the Tax Map as Map R-4, Lot 74, directly abutting the development known as Stapleford Farms, consisting of 45+/- acres.

We wish to mediate the following dispute concerning our property: The denial by the Falmouth Planning Board on April 1, 1997 of our preliminary subdivision plan for "Falmouth Oaks", so called.


The other parties to the dispute are: abutters in general, including those residing in the subdivisions known as Stapleford Farms and Stonecrest.

Date: 4/14/97



Ricky L. Brunette, Esq.
Attorney for Lloyd B. Wolf & Robert L. Adam
178 Middle Street
P.O. Box 7494
Portland, ME 04112-7494
(207) 879-7096

A TRUE ATTESTED COPY



CLERK

STATE OF MAINE
Cumberland, ss

SUPERIOR COURT
Docket No. _____

SA 97-006

Geraldine Wolf,
Property Owner
and
City of Portland,
Governmental Entity

MAR 30 * 5 43 PM '97
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*
*
*

APPLICATION FOR
LAND USE MEDIATION
(5 M.R.S.A. § 3341(4))

I hereby apply for mediation in the above matter on behalf of Geraldine Wolf, and I have paid the mediation fee of \$175.00 for the initial mediation session to the Clerk of Court.

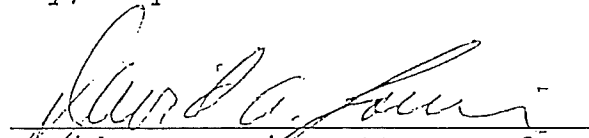
I hereby certify that Ms. Wolf owns the Property at 4 Island Avenue, Portland Maine that is the subject of a dispute, and that Ms. Wolf was finally denied relief in this dispute by decision of the Board of Appeals on March 20, 1997.

Ms. Wolf wishes to mediate the following dispute concerning the property:

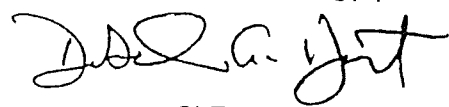
What steps she can reasonably take to bring the property into compliance with City ordinances governing the shoreland zone and the interpretation of those ordinances.

The other parties to the dispute are: Building Inspector and abutters represented by Edward Bradley, Esq..

Dated: 4/30/97


David A. Lourie, Attorney for
Geraldine Wolf

189 Spurwink Avenue
Cape Elizabeth, Maine 04107
(207) 799-4922 (FAX) 767-4266

A TRUE ATTESTED COPY

CLERK

STATE OF MAINE

RECORDED & FILED
MAY 19 1997

SUPERIOR COURT

KENNEBEC, ss.

Docket No. _____
Sidney Estates Associates,
William H. Cole and
Charles A. Blood Landowner

and

APPLICATION FOR
LAND USE MEDIATION
(5 M.R.S.A. § 3341(4))

Maine Department of Environmental
Protection Governmental Entity

I hereby apply for mediation in the above matter, and I have paid the mediation fee of \$175.00 for the initial mediation session to the Clerk of Court.

I hereby certify that I own the property at the following location that is the subject of a dispute: (fill in address/city/town) Mountain Vista Drive, Sidney, Maine

We ~~do~~ wish to mediate the following dispute concerning ^{our} ~~my~~ property: (describe the nature of the dispute) Sought and failed to obtain approval to include two lots in a subdivision because they were part of a moderate value deer wintering area, thus reducing their value from \$55,000 to \$1,000.

The other parties to the dispute are: (identify) _____

DEP and Department of Inland Fisheries and Wildlife

Charles A. Blood

Name

P. O. Box 207

Street Address/P.O. Box

N. New Portland, Maine 04961

City/State/Zip

628-2941, 495-3413, or 592-7572

Daytime Tel. No.

REPORT TO CLERK OF MEDIATION SESSION
for
LAND USE MEDIATION
(5 MRSA s3341(4))

Superior Court- Kennebec County
Docket # SA97-001

Sidney Estates Associates, William H. Cole and Charles A. Blood
Landowners

and

Maine Dept. of Environmental Protection and Dept. of Inland Fisheries and Wildlife

MEDIATION SESSION: 7-11-97

NAMES OF PARTICIPANTS: Charles Blood and William Cole, Landowners/Plaintiffs;
Jeff Pidot, Attorney General's Office; Martha Kirkpatrick, DEP; and Mark Stadler, Inland
Fisheries and Wildlife.

NATURE OF AGREEMENTS REACHED: See Points of Agreement.

NATURE OF UNRESOLVED ISSUES: None. The nature of the agreement reached by
the parties is a procedural one to which all parties agreed.

ATTACHED IS A COPY OF THE WRITTEN AGREEMENT.

DATE: 7/11/97


Kathryn Monahan Ainsworth, Mediator

Copies to: Blood, Cole, Pidot, Kirkpatrick, Stadler, CADRES

STATE OF MAINE
SOMERSET, ss.

MAINE DISTRICT COURT
DISTRICT TWELVE
LOCATION: SKOWHEGAN
DOCKET # SKO-CV-97-65

INH. OF TOWN OF HARMONY
Plaintiff

vs.

PRETRIAL ORDER

GORDON & DONNA M. BRIDGES
Defendant

Pursuant to Rule 16A, Maine Rules of Civil Procedure the Court conducted a pretrial conference with counsel for all parties. In order to simplify the issues, avoid unnecessary proof and to generally aid in the disposition of the action the following pretrial order is made.

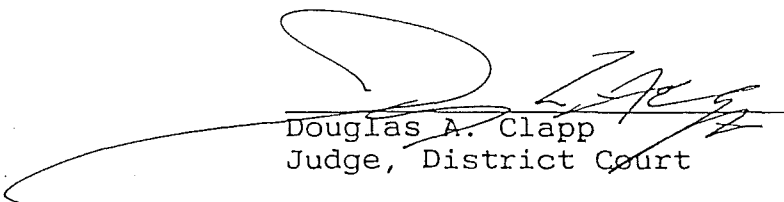
MEDIATION/DEFAULT

This matter should be mediated. The Defendants have failed to maintain contact with their attorney and should personally appear at mediation. In the event they do not appear and mediate in good faith, they shall be defaulted and relief shall be granted by judgment as sought by the Plaintiff.

The Clerk is directed to enter this order into the docket by reference.

So ordered.

December 8, 1997


Douglas A. Clapp
Judge, District Court

FINAL AGREEMENT

This Agreement is entered into this 27th day of February, 1998, by and between the INHABITANTS OF THE TOWN OF HARMONY, a municipal corporation located in Somerset County, Maine, hereinafter referred to as "the municipality" and GORDON A. BRIDGES and DONNA M. BRIDGES, both of Harmony, Somerset County, Maine, hereinafter referred to as "Bridges";

WITNESSETH:

WHEREAS, the Bridges own the property located on the South Road in Harmony, identified on the Harmony Tax Map 9 as Lot 51-2, said property being more particularly described in a deed recorded in Book 2173, Page 270 of the Somerset County Registry of Deeds, a copy of said deed being attached hereto as Exhibit A. Gordon A. Bridges and Donna M. Bridges own the property located on the South Road in Harmony, identified on the Harmony Tax Map 52 as Lot 51-2, said property being more particularly described in a deed recorded in Book 2173, page 272 of the Somerset County Registry of Deeds, a copy of said deed being attached hereto as Exhibit B; and

WHEREAS, the parties acknowledge that a land use citation and complaint under Title 30-A M.R.S.A. Secs. 3751 et seq. and Secs. 4452 is pending in the Maine District Court, District Twelve, Division of Somerset, under Docket No. SKO-CV-97-65; and

WHEREAS, the Bridges acknowledge the violation of said statutes regarding the operation, use and maintenance of an automobile graveyard and/or junkyard without a permit from the municipal officers; and

WHEREAS, the parties have reached a settlement agreement in said pending litigation, which parties desire to reduce to a written form which sets forth their respective rights and responsibilities.

NOW THEREFORE, in consideration of the mutual promises, covenants, and conditions contained herein, the parties hereto agree as follows:

1. The Bridges agree that all material located on said site in violation to the above noted Maine statutes shall be or have been removed as of the date of this Agreement, with the exception of two unregistered motor vehicles, which are used for parts by the Bridges, and some building materials, which are being stored for use on their home.

2. The Bridges agree that the Code Enforcement Officer of the municipality and another individual which he designates, except George Fricke, may enter the premises to inspect the lot for compliance with the cleanup request at any reasonable time. The municipality shall have the

continued right to make inspections with reasonable notice to insure continued compliance with the Maine statutes and this agreement at reasonable times. The initial inspection shall be on June 15, 1998.

3. If the Bridges fail to complete the clean up of the site to the municipalities' specifications within ten days after the inspection, the municipality shall have the right to enter the premises to clean up the site at their expense, and the cost of said clean up shall be paid by the Bridges. Said costs shall be treated as a special assessment against the property and shall be subject to collection under the municipal tax lien statutes.

4. The Bridges agree to refrain from using, maintaining and operating an automobile graveyard and/or junkyard as defined in 30-A M.R.S.A. Sec. 3752 on the above-noted property without benefit of a permit from the municipal offices as required by 30-A M.R.S.A. Sec. 3753.

5. The Bridges agree to pay \$500 of costs incurred by the municipality in connection with this action. These costs shall be subject to the same collection process as the costs referred to in paragraph 3 of this Agreement. This sum shall be paid to the municipality on the 10th of each month, starting April 1998.

6. The parties agree that this Agreement will be incorporated in a Stipulation to Judgment which shall be presented to the Court in the above-noted civil action.

IN WITNESS WHEREOF, we, the undersigned, hereunto set our hands and seals on the date first above written.

INHABITANTS OF THE TOWN OF
HARMONY

DATED: *March 12/98*

[Signature]

Witness

Richard C. Carr

BY: Richard Carr
Its Selectman

DATED: *March 18/98*

[Signature]

Witness

George Fricke

BY: George Fricke
Its Selectman

DATED: 3/12/98

[Signature]
Witness

[Signature]
Gordon A. Bridges

DATED: 3/12/98

[Signature]
Witness

[Signature]
Donna M. Bridges

Why Try Mediation?

- You have a chance to present your ideas in an informal, private setting, with the support and advice of your lawyer if you have one. It is a time to be heard and to listen to others.
- You have an opportunity to control the outcome of your dispute.
- The mediator is impartial and trained to help you talk about your needs and differences so that you can work things out yourselves.
- You may discover choices you did not know you had.
- Mediation may help you improve communication and find new ways to deal with your differences.
- Mediation may help you reach an agreement that will let you get on with your life and possibly keep you out of court in the future.
- You make the decisions in mediation and you are under no obligation to reach an agreement. You do not give up your right to file a lawsuit within the time allowed by law.

Land Use

Mediation

Program

State of Maine

Judicial Branch

**Court Alternative
Dispute Resolution Service
(CADRES)**

RR 1, Box 310

West Bath, Maine 04530-9704

Tel. 207-442-0227

Fax. 207-442-0228

Background and Purpose

In 1995, the Maine Legislature enacted a law, 5 M.R.S.A. § 3341, creating the land use mediation program. Its purpose is to provide eligible private landowners with a "prompt, independent, inexpensive and local forum for mediation of governmental land use actions as an alternative to court action."

The Court Alternative Dispute Resolution Service (CADRES) of the State of Maine Judicial Branch has selected a group of qualified, experienced mediators from all around the State to mediate land use disputes.

How Much Does It Cost?

The application fee for land use mediation is \$175.00 for up to four (4) hours of mediation. There is no additional court filing fee.

After the initial fee is paid, the cost of further mediation may be shared by the other mediation participants.

The landowner also pays the cost of sending the notice about the mediation to the people who will participate.

Who Can Mediate?

- private landowners
- municipalities
- state agencies and boards

Mediation must be initiated by a private landowner.

To be eligible for mediation, the landowner must have suffered "significant harm as a result of a governmental action regulating land use."

The landowner must also request mediation in a timely manner during the period when the governmental action could have been reviewed by a judge.

The landowner must have either:

- sought and failed to obtain a permit, variance or special exception from a municipality, or
- sought and failed to obtain approval for a land use from a state agency.

Municipalities are not required to participate in mediation if they choose not to do so. State entities must participate.

How Does It Work?

■ The landowner applies for mediation and pays the fee at the Superior Court for the county where the land is located.

■ The Clerk of Court sends the landowner's application for mediation to CADRES.

■ The Director of CADRES contacts the landowner and the governmental entity to help select a mediator and decide who will participate in mediation.

■ The mediator schedules the time and place for mediation with the parties, and the mediator or CADRES sends out the notice of mediation.

■ If an agreement is reached, it must be put in writing and signed. A copy of the mediated agreement is later submitted to the court with the mediator's report.

■ If no agreement is reached, the landowner may decide what other action to take, including litigation or other steps.

■ Conduct and statements made during mediation are confidential for most purposes. The land use mediation law calls for the written agreement to be included in the court's file.

■ Even if you try mediating first, you can still litigate. Applying for mediation may extend the time for filing a lawsuit up to 120 days.

Exhibit B

STATE OF MAINE
JUDICIAL BRANCH
COURT ALTERNATIVE DISPUTE RESOLUTION SERVICE

Supplement to Report on Land Use Mediation Program
November, 1998

For the report of the Land and Water Resources Council to the Maine Legislature, the Court Alternative Dispute Resolution Service (CADRES) hereby supplements the Report on Land Use Mediation Program dated March, 1998 as follows:

A. Applications Received for Land Use Mediation.

In the period since March, 1998, one application for Land Use Mediation has been received. This Application was filed in Cumberland County.

B. Land Use Disputes Mediated.

No further mediation has occurred. A mediator was selected, but the parties elected to delay the mediation pending anticipated further local action.

C. Outcome of Mediation Sessions.

None to report.

D. Attachments.

1. Application for Land Use Mediation
Ferguson et al. and Town of Long Island (Cumberland County)

STATE OF MAINE
CUMBERLAND, ss.

STATE OF MAINE
JULY 13 1998
CLERK'S OFFICE

SUPERIOR COURT
CIVIL ACTION
Docket #SA-98-006 ✓

AUG 12 3 12 PM '98

* * * * *

PAUL FERGUSON, AMY FERGUSON *
DAVID McCOOL and CATHERINE *
McCOOL of Long, Island, Maine *

Applicants *

v. *

TOWN OF LONG ISLAND *
Maine *

Respondent *

* * * * *

APPLICATION FOR
LAND USE MEDIATION
(5 M.R.S.A. § 3341(4))

I hereby apply for mediation in the above matter on behalf of Applicants, and I have paid the mediation fee of \$175.00 for the initial mediation session to the Clerk of Court.

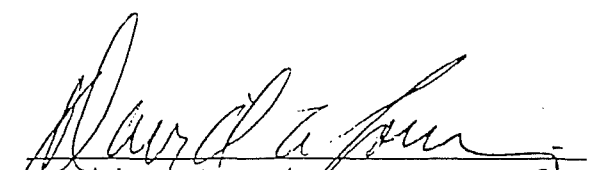
I hereby certify that Applicants own property on Ocean Avenue, Long Island, Maine to which they have access rights over a proposed street which lies within the shoreland zone and is the subject of a dispute as to whether reasonable alternative access exists, and that Applicants were finally denied relief in this dispute by decision of the Planning Board on July 21, 1998.

Applicants wish to mediate the following dispute concerning the property:

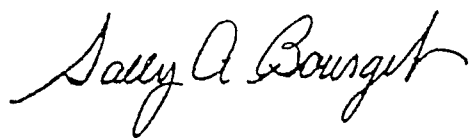
What reasonable physical and legal access they can have to their properties so that they may use them as permitted by law.

The other parties to the dispute are: Long Island Planning Board, Rolf Moller and Joseph McDonough of Island Avenue, Long Island.

Dated: 8/12/98


David A. Lourie, Attorney for Applicants

189 Spurwink Avenue
Cape Elizabeth, Maine 04107
(207) 799-4922 (FAX) 799-7865



STATE OF MAINE

SUPERIOR COURT

_____, SS.

Docket No. _____

_____ Landowner

and

APPLICATION FOR
LAND USE MEDIATION
(5 M.R.S.A. § 3341(4))

_____ Governmental Entity

I hereby apply for mediation in the above matter, and I have paid the mediation fee of \$175.00 for the initial mediation session to the Clerk of Court .

I hereby certify that I own the property at the following location that is the subject of a dispute: (fill in address/city/town) _____ .

I wish to mediate the following dispute concerning my property: (describe the nature of the dispute) _____ .

The other parties to the dispute are: (identify) _____ .
_____ .

Name

Street Address/P.O. Box

City/State/Zip

Daytime Tel. No.

Exhibit C

STATE OF MAINE
JUDICIAL BRANCH
COURT ALTERNATIVE DISPUTE RESOLUTION SERVICE

Report on Land Use Mediation Program
March, 1997

Pursuant to 5 M.R.S.A. § 3341(2), the Court Alternative Dispute Resolution Service (CADRES) hereby submits a report concerning the Land Use Mediation Program established in 1995.

A. Applications Received for Land Use Mediation

To date, one land use dispute was submitted to the Land Use Mediation Program. Through their attorney, private landowners in Cumberland County filed an Application for Mediation to the Cumberland County Superior Court dated January 2, 1997.

B. Land Use Disputes Mediated

To date, one land use dispute has been mediated through the Land Use Mediation Program. The mediation session was held on February 21, 1997.

The dispute in Cumberland County concerned a denial of a variance to the landowner by the Town of Sebago Zoning Board.

C. Outcome of Mediation Session

The dispute was resolved through mediation in one session.

D. Attachments

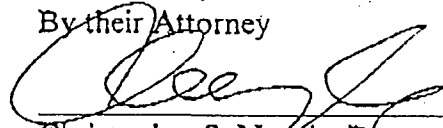
The following documents are attached from the one land use dispute that was submitted to mediation and mediated:

1. Application for Mediation
Andrews et al. and Town of Sebago et al. (Cumberland County)
2. Memorandum of Jacqueline K. Hewett, Mediator, dated March 7, 1997
(same matter)
3. Points of Agreement
(same matter)

CADRES 3/97

Dated: January 2, 1996

Patti Andrews
Raymond C. Nelson
Fran Nelson, Landowners
By their Attorney



Christopher S. Neagle, Esq.

VERRILL & DANA
One Portland Square
P.O. Box 586
Portland, Maine 04112
(207) 774-4000
P: CSN:NELSONMEDIATN.APP

A TRUE ATTESTED COPY



Clerk

-2-

Raymond, Maine 04071

MEMORANDUM

TO: Diane Kente, Director, Court Alternative Dispute Resolution Service

FROM: Jacqueline K. Hewett *JKH*

DATE: March 7, 1997

SUBJECT: Land Use Mediation between the Town of Sebago and Patti Andrews, Raymond Nelson and Fran Nelson

On February 21, 1997 I conducted a mediation session between the Town of Sebago and Patti Andrews, Raymond Nelson and Fran Nelson. The participants at this mediation were as follows:

Town of Sebago:

Glen Haynes, CEO
Maurice Geoffrey, Chairman BOA
George Tinkham, Selectman
Robert Adams, Selectman

Applicants:

Patti Andrews
Raymond Nelson
Frances Nelson
Christopher Neagle, Attorney for the applicants

An agreement was reached at this mediation session. All mediation participants were party to this agreement. The agreement specified that the applicants would be permitted to build a 10 foot by 20 foot deck/porch at the rear of their house. Prior to the construction of this structure the applicants must obtain a building permit from the Town CEO.

It was further agreed that the terms of this agreement would not be disclosed by the applicants.

There were no other unresolved issues in this mediation.

Exhibit D

Appendix C

Criteria for Listing on the Environmental and Land Use Roster

A. A combination of 110 hours of training and experience which shall include a minimum of :

1. At least 40 hours of mediation process training involving lectures, role plays, and mediation theory, with at least 15 hours completed within two years of application;
2. At least 20 hours of experience as a mediator, a facilitator of multi-party contested issues, or as a co-mediator with a CADRES mediator; and
3. At least 20 hours of work experience in a land use field, or 20 hours of substantive training in a land use field, or some combination of work experience and substantive training, the adequacy of which for fulfilling this requirement shall be subject to the final determination of the Director.

B. Successful completion of the land use mediation training offered by C A D R E S which shall include both process and substantive training.

C. Effective January 1, 1999, a minimum, annual level of continuing professional education and development of 15 hours in either mediation process training, land use issues or ethical standards of conduct in mediation is required to remain active on this Roster (see Part II, Section 2, Paragraph C).