

Town of Lyman

Select Board
Notice of Public Hearing

11 South Waterboro Rd
Lyman, ME 04002

The Select Board will hold a public hearing on **May 15th, at 6:00pm** located at the Lyman Town Hall for the purpose of presenting information regarding the discontinuance of Old Kennebunk Road, or a portion of, by abandonment.

Old Kennebunk Road was / is now a town way approximately 66 feet wide beginning at the intersections of the Old North Berwick Road and running for a distance of approximately 2.58 miles in a generally Westerly direction to on or near the Alfred Town line, as shown more particularly on the Lyman Tax Maps Numbers 3 and 4, on file at the Lyman Town Hall, located at 11 Waterboro Lane, Lyman, Maine

The Town of Lyman Select Board will vote whether to retain a public easement in the road.

If the Town of Lyman Select Board vote to declare Old Kennebunk Road, or a portion of, discontinued by abandonment, the Town of Lyman will have no obligation to maintain, repair, or plow the road but the public will still have the right to travel over it unless the public easement is extinguished, as well. If the public easement is also extinguished, the Town of Lyman will have no obligation to maintain, repair, or plow the road and the public will not have the right to travel over it. Ownership of the road is generally presumed to revert to the abutting landowners to the centerline.

Abutting property owners would have the right to maintain a road discontinued by abandonment and to form a road association or to enter private agreements to maintain, plow, and repair the road if it is discontinued by abandonment with or without a public easement. Abutting property owners have the right to establish private easements to provide access to their property if they do not already possess a private right of access.

The Select Board will hold a public hearing on these matters on May 15, 2023 at 6:00 p.m. at the Lyman Town Hall. The Select Board will hold a vote to discontinue Old Kennebunk Road, or a portion of, by abandonment at its regular meeting following the public hearing on May 15, 2023.

Right to Appeal

A person affected by a vote to declare a town way discontinued by abandonment may appeal the decision by filing a written appeal request, pursuant to 23 M.R.S.A. § 3028-A(7) within 10 days of the vote as follows:

- I. With the municipal clerk for an appeal of a vote by the municipal officers in a municipality with a board of appeals authorized to hear the appeal;
- II. With the county clerk for an appeal of a vote by the municipal officers in a municipality that does not have a board of appeals authorized to hear the appeal; or
- III. With the county clerk for an appeal of a vote by the county commissioners.

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Within 15 days after receiving a written appeal request filed pursuant to this subsection, the municipal clerk or county clerk shall schedule a public hearing on the appeal before the municipal board of appeals or county commissioners and provide written notice of the hearing date to the municipal officers or county commissioners and the person filing the appeal request. The public hearing must occur no more than 30 days after the appeal request is received.

A person aggrieved by the decision of the Lyman Board of Appeals may appeal the decision to the Superior Court in the county where the town way is situated, pursuant to the Maine Rules of Civil Procedure, Rule 80B.

The select board regular meeting is scheduled to follow after the public hearing on Monday May 15th, 2023

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Select Board
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