

MUNICIPAL OFFICE
62 East Main Street
Denmark, ME 04022
TEL: (207) 452-2163

TOWN OF
DENMARK, MAINE



MUNICIPAL OFFICE HOURS

Monday, Wednesday, Thursday
8:30 AM – 4:30 PM

Tuesday
10:00 AM – 6:00 PM

PUBLIC NOTICE
HIO RIDGE ROAD – OLD ROADWAY

Date:	Tuesday, September 29, 2026
Time:	6:00 PM
Location:	Denmark Municipal Building, 62 East Main Street, Denmark, Maine

To Abutting/Affected Property Owners: You are receiving this notice because Town records indicate that you own property that may abut or otherwise be affected by the former alignment of Hio Ridge Road described below. This same notice is being posted publicly.

At this public meeting, the Denmark Select Board will consider the legal status of a portion of the former alignment of Hio Ridge Road, referred to in this notice as the “Old Roadway.” The Board intends to review the historical record, receive and consider any relevant evidence presented, and conclude its consideration of the matter by determining whether to adopt Findings of Fact and Conclusions of Law.

The portion under consideration was formerly part of **Third-Class Highway No. 1** and is depicted on the *Maine State Highway Commission Plan of Proposed Relocation, Denmark – Oxford County, Third Class Highway No. 1, dated February 1939 and recorded in the Oxford County Registry of Deeds, Plan Book 1, Page 98*. The relocation was carried out in approximately 1939–1941. Following that relocation, the former alignment ceased to be used as the traveled public roadway.

The Select Board is considering whether, under the law in effect in 1976, the Old Roadway was **discontinued by abandonment**. The Town is not initiating a new abandonment proceeding under the current requirements of 23 M.R.S. § 3028-A.

Basis for the Select Board’s Review

The legal status of a roadway depends, in part, upon the law applicable at the time the alleged discontinuance or abandonment occurred. Former 23 M.R.S.A. § 3028, effective in 1976, provided that it was prima facie evidence that a town or county way established before January 1, 1946, and not kept passable for the use of motor vehicles at municipal or county expense for 30 or more consecutive years immediately preceding January 1, 1976, had been discontinued by abandonment. That presumption could be rebutted by evidence showing a clear intent by the municipality and the public to continue to consider or use the way as a public way.

Based upon the historical records presently available, the Town believes that the Old Roadway was discontinued by abandonment following the relocation of Hio Ridge Road in approximately 1939–1941. At its September 28, 2026 meeting, the Select Board will review the available historical evidence, consider any additional evidence presented, and consider whether to adopt Findings of Fact and Conclusions of Law determining that the statutory conditions for abandonment existed in 1976 and that the Old Roadway was therefore discontinued by abandonment under the law then in effect.

Opportunity to Provide Information

Affected landowners and other interested persons may attend the meeting and provide historical records, documents, testimony, or other evidence concerning the use, maintenance, or legal status of the Old Roadway. Relevant evidence may include information showing that:

- the Old Roadway continued to be used or treated as a public roadway;
- the Town or County maintained the Old Roadway or expended public funds upon it;
- the statutory presumption of abandonment did not apply or was rebutted; or
- the Old Roadway was subsequently reestablished or otherwise retained as a public way.

The Select Board will consider any credible evidence presented before making its determination.

Scope of the Select Board's Review

The Select Board is not seeking to determine ownership of the land underlying the Old Roadway or to adjudicate private property rights. The Board's consideration is limited to the historical status of the Old Roadway as a public way and to the Town's municipal position concerning any remaining public interest in that roadway. Any dispute concerning title or continuing private property rights must be resolved through the appropriate legal process.

If the Select Board determines that the Old Roadway was discontinued by abandonment and finds that the Town no longer has a public interest in the roadway, the Town intends to execute and record a release or quitclaim deed with respect to any remaining interest the Town may hold in the land underlying the Old Roadway. Any such deed would release or convey only whatever interest, if any, the Town may hold and would not constitute an adjudication, determination, or warranty of ownership of the underlying property.

Possible Select Board Action

At the September 28, 2026 meeting, after reviewing the historical record and considering any evidence presented by affected landowners or other interested persons, the Select Board intends to conclude its consideration of this matter and may adopt written Findings of Fact and Conclusions of Law determining that the statutory conditions for abandonment existed in 1976 and that the Old Roadway was discontinued by abandonment at that time. Any findings will also address whether there is evidence that the Town subsequently resumed maintenance of, expended public funds on, or otherwise reestablished the Old Roadway as a public way.

Notice

This notice is being provided as a courtesy and to provide affected landowners with a meaningful opportunity to review the Town's position and present relevant historical evidence. It is not being issued pursuant to the notice requirements of 23 M.R.S. § 3028-A because the Town is considering whether the Old Roadway was previously discontinued by abandonment under former 23 M.R.S.A. § 3028 rather than commencing a new abandonment proceeding under the current statute.

Historical records or other information may be submitted in advance of the meeting to:

Betty LeGoff, Town Manager
Town of Denmark
62 East Main Street
Denmark, Maine 04022
townmanager@denmarkmaine.org
(207) 800-3133

TOWN OF DENMARK SELECT BOARD