



TO: Auburn Planning Board
FROM: Natalie Thomsen, Planning Coordinator
DATE: April 08, 2025
RE: Postponement of Danville Corner Road Development Review

The Planning Board will open the **Danville Corner Housing Development** project at the April 8, 2025 meeting, which was previously postponed from the March 11, 2025 meeting. The applicant, **Terradyn Consultants LLC**, on behalf of **Timothy Millet**, proposes to construct **21 two-unit homes**, for a total of **42 residential units**. The project is located on property owned by **Spurwink Services Incorporated** on **Danville Corner Road, Tax Map 122-004**, within the **General Business (GB) District**.

At the request of the applicant, staff recommends the Planning Board **postpone this item to the May 13, 2025 meeting**. The project must be reviewed under the **Planned Unit Development (PUD)** standards due to the attached nature of the proposed dwellings. The applicant has asked for additional time to revise the submission to meet these standards.

Attached is a legal memorandum dated March 18, 2025, from City Attorney Daniel C. Stockford (Brann & Isaacson), clarifying that:

- The proposed units meet the definition of **one-family attached dwellings** under the zoning ordinance.
- As such, the project must be reviewed as a **Planned Residential Unit Development and Subdivision**, per Sec. 60-306(a)(4).
- For density purposes, the project may utilize the **two-family dwelling** standard of **6 units per acre**, allowing up to 43 units on the 7.2-acre site.

Staff supports this postponement to ensure the project aligns with all applicable ordinance provisions and review standards.

Suggested Motions:

Motion to Reopen the Project:

"I move to reopen the review of the Danville Corner Road development."

Motion to Postpone:

"I move to postpone the review of the Danville Corner Road development to the May 13 Planning Board meeting to allow for the applicant to submit a complete application."

BRANN & ISAACSON
ATTORNEYS AND COUNSELORS AT LAW

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MEMORANDUM

TO: Natalie Thomsen, Planning Coordinator, City of Auburn
CC: Eric Cousens, Executive Director of Public Services; David Hediger, Director of Planning and Permitting
FROM: Daniel C. Stockford, Brann & Isaacson
DATE: March 18, 2025
RE: Zoning Interpretation Request – Danville Corner Housing Development

This memorandum is in response to your inquiry regarding the appropriate zoning classification and density standards for the proposed Danville Corner Housing Development. We understand that the applicant proposes to develop 42 residential units in a duplex-style configuration on a 7.2-acre site in the Multifamily Suburban (MS) zoning district. The project includes 21 structures, each containing two dwelling units with a shared common wall extending the full width of the structure. We understand that the units are to be sold individually rather than as a single building, and that the applicant does not wish to stack units but instead desires to maintain the side-by-side duplex format.

Below are the questions you asked followed in bold by our response to each question:

Clarification Requests:

1. Classification of the Housing Type:

- a. The project design shares features of both **one-family attached** and **two-family dwellings** as defined in Sec. 60-2. Given that the structures share a **full-width common wall**, does Auburn's zoning ordinance require that the project be classified as **one-family attached**?

BI Response: As noted in the materials you sent, the definition of a one-family attached dwelling in Section 60-2 of the Code of Ordinances is “a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units.” Based on our review of the materials provided by the developer with the February 3, 2025 letter to you from Craig Sweet of Terradyn

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Consultants, the proposed units fall within the definition of one-family attached dwellings because (1) each unit is designed to house a single family unit from lowest level to roof; (2) each unit has a private outside entrance; and (3) each unit shares a common wall or walls with an adjoining dwelling unit.

- b. If so, does the classification as **one-family attached** necessitate the project to be reviewed under the **Planned Unit Development (PUD) standards** under Sec. 60-306(a)(4)?

BI Response: Yes. Section 60-306(a)(4) of the Code of Ordinances provides that attached one-family dwellings are a permitted use in the Multifamily Suburban District “provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.” Because the proposed units meet the definition of one-family attached dwellings under the ordinance, the project should be reviewed under the Planned Unit Development provisions of Division 9 of Article IV (Sections 60-359 to 60-420), as well as the Subdivision provisions of Division 4 of Article XVI (Sections 60-1359 to 60-1368).

- c. Does a **"one-family attached" dwelling qualify as a “two-family dwelling” for density purposes**, or are these classifications mutually exclusive?

BI Response: The definition of a two-family dwelling in Section 60-2 of the Code of Ordinances is “a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.” We believe that the proposed buildings fall within the definition of two-family dwellings because (1) they are intended and designed to be occupied and used exclusively for residential purposes by two families only, and (2) each dwelling unit within the buildings has separate housekeeping and cooking facilities.

We do not believe that the definition of a one-family attached dwelling and the definition of a two-family dwelling are mutually exclusive, for purposes of applying the density provisions of the ordinance. Section 60-307 does not contain any maximum density standard for one-family attached dwellings in the MFS District, even though one-family attached dwellings are a permitted use within the District. Because the buildings containing one-family attached dwellings meet the definition of two-family dwellings, and there is a specific density provision in the ordinance applicable to two-family dwellings, it is our conclusion that the Section 60-307 density standard applicable to two-family dwellings applies to the current proposal.

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For two-family dwellings, the ordinance allows a maximum density of 6 dwelling units per acre. This means that the 7.26 acre parcel should be able to accommodate the 42 dwelling units that are proposed (i.e., 21 two-family dwellings).

2. Impact of Sales Model on Classification:

- a. The applicant intends to **sell units individually** rather than selling each structure as a whole.
- b. Does the **townhouse definition** ("a single-family dwelling unit that is one of two or more residential buildings having a common or party wall separating the units") apply to this project?

BI Response: It appears that the ordinance definition of a townhouse is broad enough to cover the project as proposed, because each of the two dwelling units in each building has a common party wall separating it from the other dwelling unit.

- c. If so, would classifying the structures as **townhouses** affect whether they qualify as **one-family attached** or **two-family dwellings** under Sec. 60-306?

BI Response: We do not believe that the fact that the townhouse definition may be broad enough to cover the structures affects whether the proposed buildings qualify as one-family attached dwellings or two-family dwellings under section 60-306. It should be noted that there appear to be only three references to townhouses in the Code of Ordinances, including the definition of townhouse in Section 60-2, the section relating to calculation of green area of individual lots for townhouses under Section 60-307(2), and the third relating to the use and parking matrix in certain districts under the form-based code, Section 60-554.

3. Applicable Density Standard under Sec. 60-307:

- a. Given that the project utilizes the density standards for the **Multifamily Suburban Zone**, which provides for the following densities:
 - i. **One-family: 4 units per acre**
 - ii. **Two-family: 6 units per acre**
 - iii. **Multifamily: 17 units per acre**
- d. Which standard applies if the project is classified as **one-family attached** instead of **two-family dwelling**?

BI Response: As noted under Question 1 (c) above, it is our opinion that the density standard applicable to the project as proposed is the density standard that applies to two-family dwellings under Section 60-307. This means that the maximum density for the project as currently proposed is 6 dwelling units per acre.