



## City of Auburn, Maine

Office of Planning & Permitting

David Hediger, Director

60 Court Street | Auburn, Maine

04210 [www.auburnmaine.gov](http://www.auburnmaine.gov) |

207.333.6601

**TO:** Auburn Planning Board

**FROM:** Natalie Thomsen, Planning Coordinator

**DATE:** March 11, 2025

**SUBJECT:** Danville Corner Housing Development – Update & Public Hearing Scheduling

### **Background:**

The applicant, Terradyn Consultants LLC, on behalf of Timothy Millet, has revised the Danville Corner Housing Development from 44 single-family homes to 42 duplex units (21 two-unit buildings). The property, located on Danville Corner Road (Tax Map 122-004) within the General Business (GB) District, is owned by Spurwink Services Incorporated.

City Attorney Dan Stockford determined density should follow a **strict interpretation** of **Section 60-307(2)**, which applies a **per-acre formula**:

- Single-family homes: **4 units/acre → 28 units max**
- Duplexes: **6 units/acre → 43 units max**
- Multifamily: **17 units/acre → 122 units max**

The revised **42-unit duplex proposal** aligns with zoning while maximizing site potential.

### **Planning Board Concept Review:**

The applicant seeks Board and public feedback on the revised plan before submitting a final application. This will ensure input on site layout, density, and necessary modifications before the final hearing. **Motion for Postponement & Public Hearing:**

The Planning Board is asked to **postpone substantive review** and schedule a **Public Hearing/Site Plan Review** for **April 8, 2025**, allowing for:

1. Public comment on density and site design.
2. Submission of a finalized site plan.
3. Review of zoning and land use compliance.

A Public Hearing was initially set for February 11, 2025, but was postponed. The Board is asked to **postpone further action until April 8, 2025** for final review.



**TO:** Auburn Planning Board  
**FROM:** Natalie Thomsen, Planning Coordinator  
**DATE:** February 11, 2025  
**RE:** Interpretation of Density Regulations – Sec. 60-307

## Background

A proposed development on **Danville Corner Road** seeks to construct **44 single-family homes** on a **7.2-acre lot**. Under Sec. 60-307 - Dimensional Regulations, there is conflicting interpretation regarding the applicable density calculations. The land will remain owned by the developer, with houses sold separately. This memo outlines four interpretations of the ordinance and discusses their implications for this project.

## Relevant Ordinance Language

### Sec. 60-307. (2)

*Density.* The following maximum densities per acre shall apply, according to housing type:

One-family	4 units per acre
Two-family	6 units per acre
Multifamily	17 units per acre

## Interpretation 1: Per-Acre Formula (Strict Density Calculation)

This interpretation assumes that each housing type must adhere **strictly** to its per-acre density allocation. Under this approach, the total number of units is calculated by multiplying the acres designated for each housing type by the allowable density per acre. If the entire project consists of single-family homes, the maximum number of units would be determined by multiplying 7.2 acres by 4 units per acre, which results in 28.8 units, rounded down to 28 units. To reach the proposed 44 units, a mix of housing types would be required. This interpretation ensures that the development does not exceed the established density limits for each residential category but limits the project significantly below its proposed unit count.

## Interpretation 2: Multifamily Triggers 17 Units/Acre for Entire Site

Under this interpretation, the presence of at least **one multifamily unit** on the site would allow the **entire 7.2-acre property** to be calculated under the **multifamily density standard** of *17 units per acre*. If this approach is accepted, the project could be developed at a density of 7.2 acres multiplied by 17 units per acre, yielding a total of 122.4 units, rounded down to 122 units. This interpretation is the most favorable to the developer, as it allows for significantly higher density.

## Interpretation 3: One Triplex = 17 Units on First Acre, 4 Units Per Acre Thereafter

A third approach assumes that only the first acre containing a multifamily structure would qualify for the 17-unit-per-acre density standard, while the remaining land follows the single-family density standard of 4 units per acre. Under this calculation, the first acre would allow for 17 units, and the remaining 6.2 acres would permit 24.8 units (rounded down to 24 units), resulting in a total allowable count of 42 units. This interpretation is a middle ground between the strict per-acre

formula and the full-site multifamily density allowance. However, it still does not reach the developer's target of 44 units, requiring either modifications to the project or a reconsideration of allowable density.

## **Interpretation 4: Application of State vs. City Definition of Multifamily**

The City provides a definition for multifamily housing: **“Dwelling, multifamily, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.”** However, the State also provides a definition, stating that **“Multifamily residential, also known as multi-dwelling unit (MDU), is a classification of housing where multiple separate housing units for residential inhabitants are contained within one building or several buildings within one complex.”**

**Sec. 10.4. - Definition of Terms** As used in this Charter, terms shall be defined and construed by their meaning established by state statute, if any; otherwise, terms shall be defined and construed by their customary usage or plain dictionary meaning. In all cases, the term "days" shall refer to calendar days, not business days.

The term **"residence"** is not defined in the local City ordinance. Below are common definitions that support a broader interpretation:

- **Black's Law Dictionary:** *“Residence means the place where one actually lives and makes a home, which may include multiple structures used for habitation within a single property or estate.”*
- **U.S. Census Bureau:** *“A residence may consist of one or more housing units, including single-family homes, apartments, or groups of structures”*
- **Oxford English Dictionary:** *“A person's home; the place where someone lives permanently or on a long-term basis, including the entirety of their living quarters and associated buildings.”*

These definitions suggest that a residence is not necessarily limited to a single building but can encompass multiple buildings within the same property if they function as part of a unified living space. This interpretation may impact the classification of the proposed development and its eligibility under multifamily density regulations

According to the state's classification, multifamily residential developments include multiple separate housing units contained within a single property, even if sold separately. Applying the City's definition, multifamily status may require three or more families within a single residential building, which may limit its applicability to this project. However, under the State's definition, the project could be considered a multifamily residential development because it consists of multiple separate housing units within a unified complex, even if they are sold separately. Additional legal and dictionary definitions further support that a residence can include multiple buildings, allowing for broader classification.

This broader definition could allow the entire 7.2-acre site to qualify for multifamily density, permitting up to 122 units at 17 units per acre. This interpretation legitimizes the 44-unit proposal and could potentially allow for even more units, depending on other applicable regulations.

## Natalie Thomsen

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**From:** Dan Stockford <DStockford@brannlaw.com>  
**Sent:** Monday, February 24, 2025 11:21 AM  
**To:** Eric Cousens  
**Cc:** Natalie Thomsen; John Blais; David Hediger  
**Subject:** [External]RE: [External]Density opinion for Planning Board

Eric,

As discussed, I believe that the per-acre formula described in Natalie's memorandum as Interpretation 1 is the correct interpretation. If the entire project consists of single-family homes, the density would be based on the permissible single family home density of 4 units per acre. If part of the project included multifamily buildings, the acres on which the multifamily buildings are situated would be subject to the higher 17-unit density per acre for multifamilies, but portions of the development that contain single family homes would still be subject to the 4-unit density per acre for single families.

Please let me know if you have any questions or if you would like me to prepare a more formal opinion in this.

Dan

**Daniel C. Stockford | BRANN & ISAACSON**

Tel: 207.786.3566 | [dstockford@brannlaw.com](mailto:dstockford@brannlaw.com)

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February 03, 2025

24-164

Natalie Thomsen  
Planning Coordinator  
City of Auburn  
60 Court Street  
Auburn, ME 04210

**Subject: Danville Corner Housing Development  
Project Update**

Dear Natalie,

On behalf of Timothy Millet, Terradyn Consultants, LLC, is pleased to submit the following supporting information in response to updates from the City Attorney's determination on the density for the proposed development. The project has been updated to reflect a duplex design. The parcel is 7.26 acres in size with a duplex density of 6 units per acre. This results in an allowable 43.6 units; however, the plans have been revised to show 21 duplex units for a total of 42 units.

The 44 single-family units have been replaced with 21 duplex structures, totaling 42 units. The roadway alignment has shifted slightly to accommodate the updated duplex structures, and landscaping has been updated as well. A fully updated plan set with revised grading and utilities will be submitted for the April meeting. However, we wanted to provide an updated site plan and building renderings for discussion prior to finalizing the updates.

The duplexes feature a shared driveway for each structure and each unit will additionally have a garage and can accommodate 2 cars per unit of off street parking. The rest of the project remains unchanged, with the applicant retaining ownership of the remaining land and infrastructure. Please contact me directly with any additional questions or concerns.

Sincerely,  
**TERRADYN CONSULTANTS, LLC**

Craig Sweet, P.E.

## Duplex with Center Car Garage for Privacy

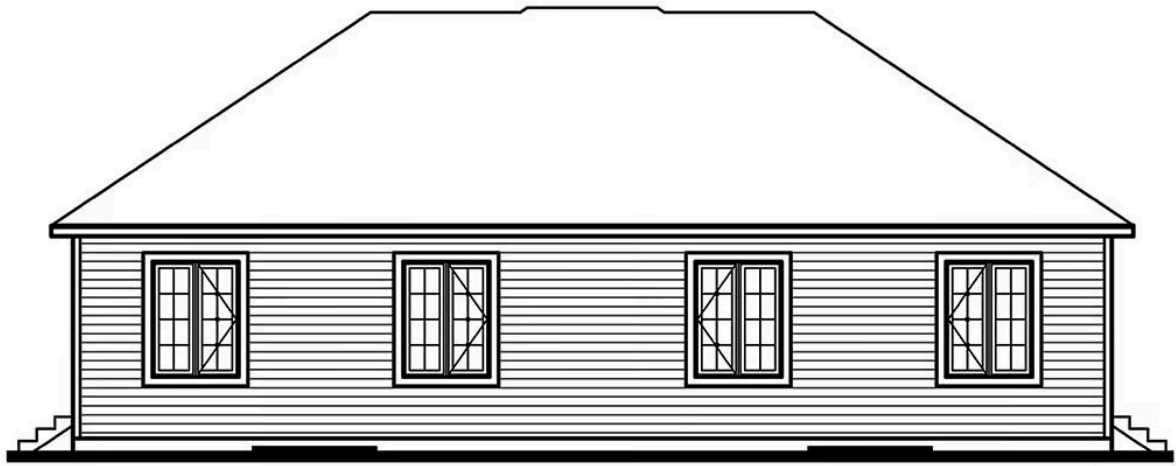
**1,852**

Heated S.F.

**2**

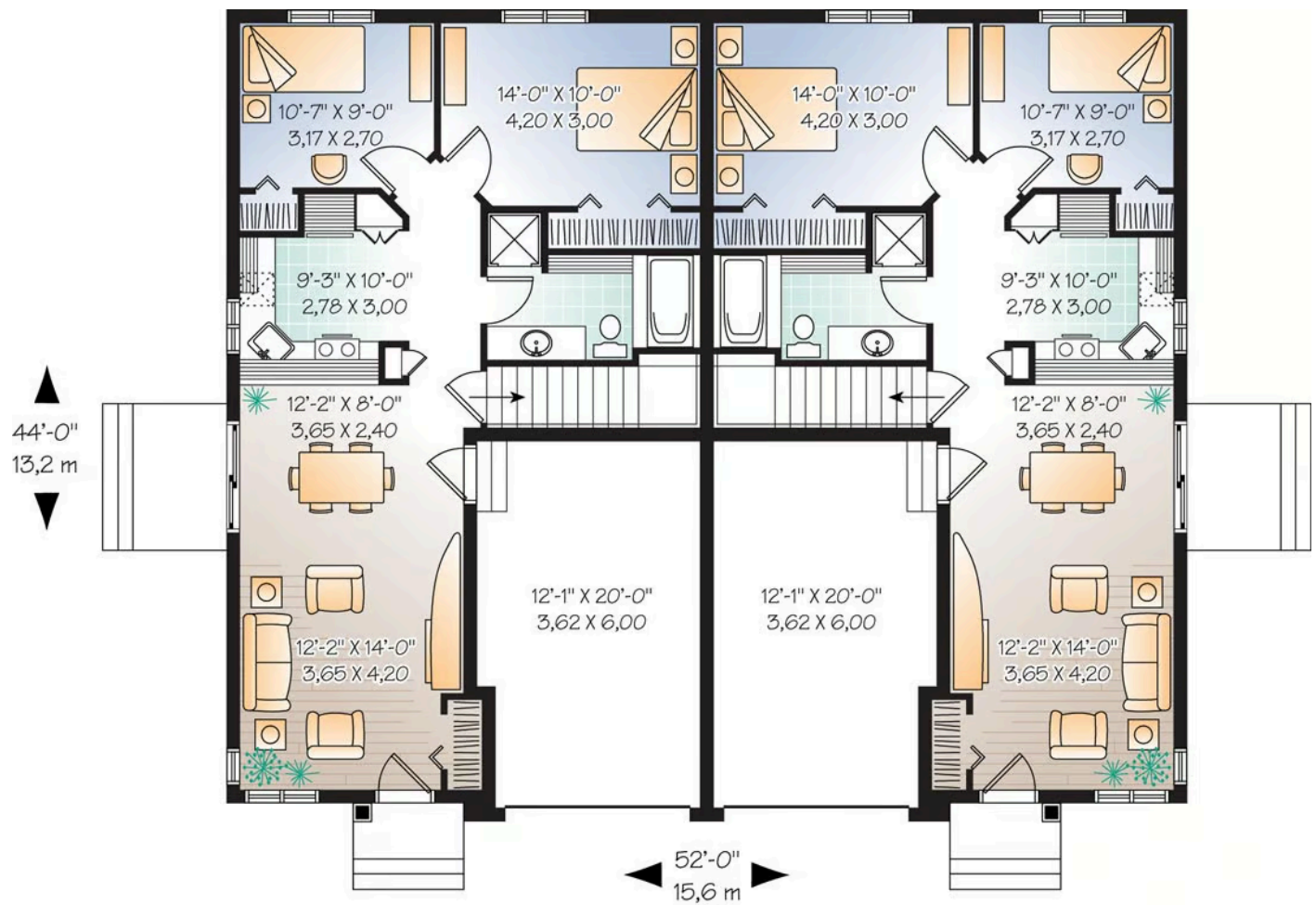
Units





REAR ELEVATION





Plan 21574DR  
<https://www.architecturaldesigns.com>

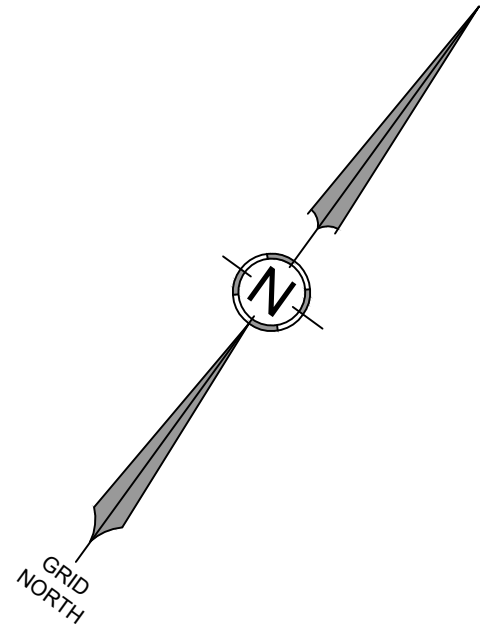
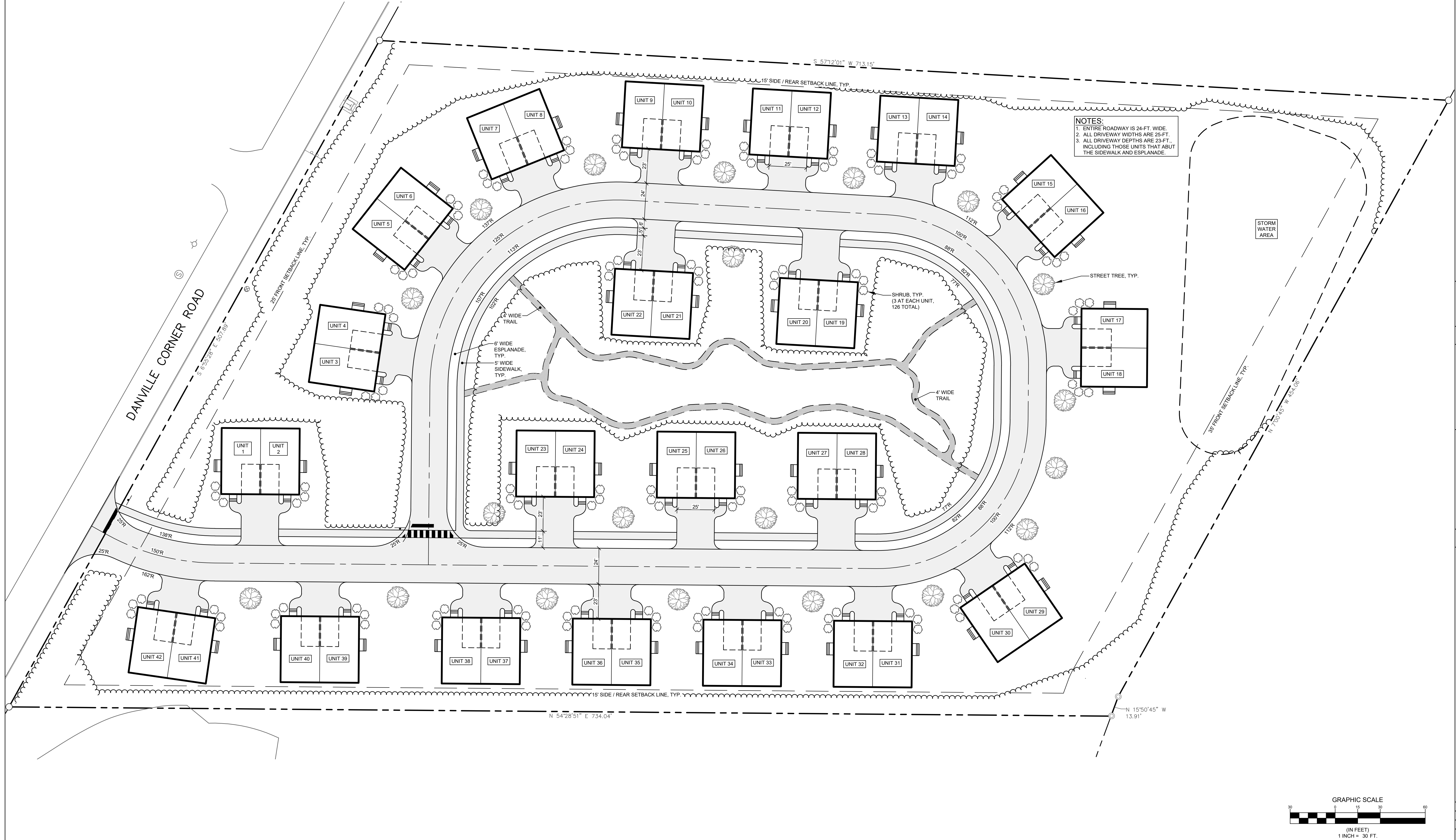
**AD** Architectural  
 Designs


1-800-854-7852  
 1-262-521-4596



1. THE RECORD OWNER OF THE SUBJECT PARCEL IS SPURWINK SERVICES INCORPORATED BY DEED DATED APRIL 12, 2019 AND RECORDED IN BOOK 10063, PAGE 195.
2. THE SUBJECT PARCEL IS SHOWN ON THE CITY OF AUBURN TAX MAP 122 AS LOT 4 AND IS IN THE GENERAL BUSINESS DISTRICT.
3. THE CITY'S GENERAL BUSINESS DISTRICT SPACE AND BULK STANDARDS REFER TO THE MULTIFAMILY SUBURBAN DISTRICT'S STANDARDS FOR RESIDENTIAL USES. SPACE AND BULK STANDARDS FOR THE MULTIFAMILY SUBURBAN DISTRICT AS OF THE DATE OF THIS PLAN ARE AS FOLLOWS:  
  
MIN. LOT SIZE: 10,000 SQ FT  
MIN. WIDTH: 100 FT  
MIN. FRONT SETBACK: 25 FT  
MIN. DEPTH: 100 FT  
MIN. SIDE SETBACK: 15 FT  
MIN. REAR SETBACK: 25 FT  
  
MAX. BUILDING HEIGHT: 2 ½ STORIES OR 35 FT
4. TOTAL ARE OF THE SUBJECT PARCEL IS 7.202 ACRES.

5. BOUNDARY INFORMATION SHOWN HEREON IS BASED ON AN ON-THE-GROUND SURVEY PERFORMED BY TERRADYN CONSULTANTS, LLC IN AUGUST OF 2024. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON PUBLICLY AVAILABLE MAINE GIS DATA COLLECTED IN 2023 BY THE STATE OF MAINE AND DISTRIBUTED BY THE USGS AS CLASSIFIED - LAZ POINT CLOUD.
6. PLAN REFERENCES:
  - A. "BOUNDARY SURVEY OF DIAMOND PROPERTIES, INC. LOT" PREPARED BY TECHNICAL SERVICES, INC., DATED DECEMBER 19, 2005 AND BEING PREVIOUSLY UNRECORDED.
  - B. "PLAN OF PROPERTY OF ADVANTAGE BUSINESS SERVICES, INC., BEECH HILL ROAD AUBURN, MAINE" DATED JANUARY 13, 1988 AND FOUND ON THE AUBURN GIS AS PLAN #338
7. PLAN ORIENTATION IS GRID NORTH, MAINE STATE PLANE, COORDINATE SYSTEM, WEST ZONE 1802-NA083. ELEVATIONS DEPICTED HEREON ARE NAVD83, BASED ON DUAL-FREQUENCY GPS OBSERVATIONS.
8. THE SUBJECT PARCEL IS LOCATED WITHIN ZONE X, AREAS OF MINIMAL FLOOD HAZARD, AS DELINEATED ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF AUBURN, ANDROSCOGGIN COUNTY, COMMUNITY-PANEL NUMBER 23001C0317E, HAVING AN EFFECTIVE DATE OF JULY 8, 2013.



		ADDRESS: 41 CAMPUS DRIVE, SUITE 301 NEW GLOUCESTER, ME 04260  PHONE: (207) 926-5111  WEB SITE: <a href="http://www.terradync consultants.com">www.terradync consultants.com</a>		DATE:	
PROJECT: <b>DANVILLE CORNER PARCEL</b> DANVILLE CORNER ROAD, AUBURN, MAINE		CLIENT: <b>TIMOTHY MILLETT</b> 154 BAY HILL ROAD POLAND, MAINE 04274		02-28-2025	
SHEET TITLE: <b>SITE PLAN</b>		DATE:		09-16-2024	
SCALE:		1" = 30'		REVISIONS PER CITY STAFF COMMENTS	
JOB NO:		24-164		REVISIONS PER CITY STAFF COMMENTS	
SHEET:		<b>C-1.0</b>		REVISIONS	

C:\ODI\Terradyn Consultants\Project Folders - Documents\2024 Jobs\24-164 Millett Danville Corner Auburn Map 122 Lot 4\CAD\Permitting\24-164 S.dwg