



**Town of Tyngsborough  
Board of Appeals**

Town Hall-25 Bryants Lane  
Tyngsborough, Ma 01879-1003  
(978) 649-2300, Ext. 112

**Board of Appeals Minutes from April 12, 2007 6:30 Pm- Meeting Room 1**

**Members Present:** Robb Kydd, Gary Ralls, Eileen Farrell, Chris Mechalides, Cheryl Bradley, and Claire Cloutier.

**Members Absent:** none

**1<sup>st</sup> Hearing Continued from March 8, 2007-**

**Maple Ridge R.E. Development, LLC-** Old Tyng Rd. and Middlesex Rd., Assessors Map 27 Parcel 8-3, as a party aggrieved by the Building Commissioner to remove a temporary real estate sign due to it's size which is 24 sq. feet (4'x6') B-Zone, sections 3.11.42, paragraph 5.

Application read. Advertised in the Lowell Sun on Feb. 22, 2007 & March 1, 2007. No challenges to the legal notice or abutter notification.

Application presented by Walter Ericksen.

No abutters were present to speak for or against the applicant.

The Board findings are that the parcel of land that the signage is located in the B-1 Zone, and is in regulation of 25 sq. ft allowed. This sign is only 24 sq. ft. The Board stated that the land purchased is part of the Chapter 40B project, and was a required purchase by the Developer to realign Old Tyng Rd with Middlesex Rd. Although the property is not continuous, it is an integral part of the Maple Ridge Development.

Motion to close the public portion of the hearing by Eileen Farrell. Seconded by Cheryl Bradley. Vote 5-0.

The decision of the Board of Appeals is to allow the applicant the temporary Real Estate Sign of 24 square feet. Motion by Gary Ralls, Seconded by Eileen Farrell, Vote 5-0 Unanimous. Members voting for the application was Robb Kydd, Eileen Farrell, Gary Ralls, Chris Mechalides and Cheryl Bradley. Claire Cloutier did not vote on this application.

**Peter Cricones DBA Whispering Pines-Chapter 40B**

Review with Atty. Lisa Mead and Dave Sanderson  
This hearing continued to May 10, 2007 at 6:30 PM.

**TYN Limited Partnership, T. J. Maxx Plaza 440 Middlesex Rd.**, request variance from front yard set back, parking spaces, general standards for parking, parking dimensions,

landscaping/Green spaces, buffering/screening. The requested relief is to accommodate a definitive subdivision of the T.J. Maxx Plaza property to facilitate a sale. Nothing is physically changing on the site. This is a paper subdivision only. Sections 2.12.50,3.10.24,3.10.41,3.10.42,3.10.49 , and 3.13.32. B-3 Zone & I-1 Zone.

Application read. Advertised in the Lowell Sun on March 29 & April 5, 2007. No challenges to the legal notice or abutter notification. Motion to waive the reading of the abutters list by Chris Mechalides, seconded by Gary Ralls. Vote 5-0.

Application presented by Atty. Pete Nicosia. Discussion of the front set back of 20.15 feet, setback is currently 54.85 feet, and 75 sq. is required. Discussed parking spaces required of 191 parking spaces. The positive points are for the Water Dept. to gain parcel as ratepayer. Traffic corrections on parcel, re-assessment of property for tax values. Discussed the open space deficient of Lot 3.

No abutters were present at the hearing to speak for or against the application.

Motion to close the public portion of the hearing by Eileen Farrell. Seconded by Claire Cloutier. Vote 5-0 Unanimous.

A motion by Gary Ralls to **grant** the front yard set back variance 2.12.50, seconded by Claire Cloutier. 5-0 Unanimous.

A motion by Gary Ralls to **grant** the parking-number of spaces as on the plan dated April 11, 2007, seconded by Eileen Farrell. 5-0 Unanimous.

A motion By Gary Ralls to **grant** parking as on the plan dated April 11, 2007 seconded by Claire Cloutier. 5-0 Unanimous.

A motion by Ralls to **grant** variance on the parking dimensions as on the plan dated April 11, 2007, seconded by Farrell. 5-0 Unanimous.

A motion by Ralls to **grant** the variance on landscaping /green spaces as per plan dated April 11, 2007, seconded by Farrell. Vote 5-0 Unanimous.

A motion by Ralls to **grant** the variance on the buffering/Screening, seconded by Cloutier. Vote 5-0 Unanimous.

**Conditions:**

The granting of this variance is conditioned upon the approval of Planning Board.

**Other Business**

Approve minutes from March 8, 2007 by Chris Mechalides, seconded by Claire Cloutier. Vote 5-0 Unanimous.

Motion to adjourn by Chris Mechalides, seconded by Claire Cloutier, vote 5-0. Unanimous.  
*Minutes taken by Cheryl Bradley.*

