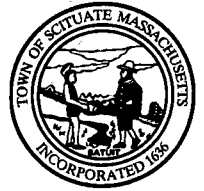


Town of Scituate

ZONING BOARD OF APPEALS

600 Chief Justice Cushing Hwy.
Scituate, Massachusetts 02066
(781) 545-8716



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Decision of the Scituate Zoning Board of Appeals on the application of Scott and Tara McGavin of 39 Arrowwood Drive, Scituate MA for a Variance in accordance with M.G.L. Chapter 40A, Section 10 and Section 520.5(F) of the Scituate Zoning Bylaw to allow the construction of an in-ground pool and retaining wall at 39 Arrowwood Drive, Scituate MA, Assessor's Map 16, Block 01, Parcel 25. (the "Property").

The application was received, advertised, and a public hearing was duly held on June 16, 2022 with the following members of the Zoning Board of Appeals hearing the application:

Anthony J Bucchere, Chairman
Susan Harrison
George Xixis

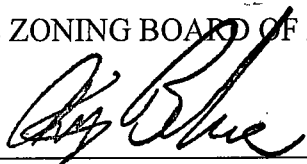
The proposed swimming pool and retaining wall (the "Improvements") are shown on a plan drawn by Ross Engineering Company dated May 20, 2022 and revised June 14, 2022. (the "Plan"). The construction of the Improvements would result in a slope greater than 25% which is prohibited by Section 520.5(F)(2) of the Bylaw.

The Board discussed that variances to allow applicants exceed the 25% slope have been allowed in the past when steps are taken to prevent any negative effects on surrounding wetlands. The applicant explained that they were also required to obtain a permit from the Conservation Commission regarding the construction of the Improvements, and the Board discussed that the Conservation Commission was better suited to review any effects the construction would have on the surrounding wetlands and that they would not grant their application if the wetlands were impacted in a manner that was unacceptable in their determination.

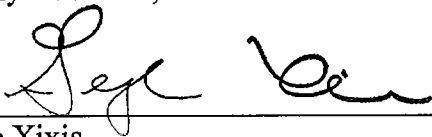
After hearing testimony from the applicant and abutters and reviewing the Plan the Board voted unanimously to GRANT the requested variance. In doing so the Board found:

1. That due to the unique topography of the lot a literal enforcement of the 25% slope maximum would create substantial hardship for the applicant.
2. That due to the pending review by the Conservation Commission and the ability of the applicant to take certain precautions during and after construction the variance could be granted without defeating the purpose of section 520.5(F).
3. That the granting of this variance would be conditioned on the Applicant obtaining the necessary Conservation Commission permit(s) and on the Applicant's continued adherence to any conditions or requirements within those permit(s).

SCITUATE ZONING BOARD OF APPEALS



Anthony Bucchere, Chairman



George Xixis



Susan Harrison

Filed with the Town Clerk and the Planning Board on: October 19, 2022

Appeal of any decision of the Zoning Board of Appeals may be made pursuant to M.G.L. Chapter 40A, Section 17, and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of the filing of the decision with the Town Clerk.