



*Mathew Walton, Chairman*

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*Bob Hines, Alternate*

March 3, 2021

To: Planning and Zoning Commission – Mr. Ray Zatorski, Chair  
From: Zoning Board of Appeals – Mr. Matthew Walton, Chair  
Re: Swimming Pools and Impervious Coverage

As stated in the East Hampton Zoning Regulation, the maximum allowed impervious coverage in the majority of the residential areas in town is 10% of the total lot size. As a result of several subdivisions over the last few decades creating lots just over the minimum lot size, particularly Skyline Estates and Seven Hills Estates, properties often near the maximum lot coverage once the home is constructed and the driveway is paved, leaving little room for the installation of accessories. The definition of impervious coverage in the regulations is “Total area of impervious surface.” Impervious surface is defined in the regulation as “Any permanent material which reduces and prevents absorption of stormwater into the underlying ground.”

We recognize the need for effective impervious coverage limitations for the replenishment of ground water supplies, limiting the amount of stormwater runoff, and various other environmental benefits. However, there are certain areas where impervious coverage requirements can pose a problem for homeowners. Of particular concern to the Zoning Board of Appeals are pools. Over the past several years, the Zoning Board of Appeals has seen an increase in the number of variance requests related to increasing the lot coverage above the allowed limit for the installation of pools.

The ZBA has discussed this at length and we agree that a pool is certainly impervious cover. The concern lies with the seeming unfairness to deny a homeowner the right to install a pool due to a zoning regulation. However unfair it may be, based on the State Statute, we find it difficult to apply a true hardship to any variance granted for the purpose of installing a pool.

To this end, we are requesting that the Commission review the regulations and consider a remedy which would allow for pools to be eliminated from the coverage calculation.

**ZONING BOARD OF APPEALS**  
*Office of the LAND USE DEPARTMENT*  
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