

MINUTES
TOWN OF GROTON
ZONING BOARD OF APPEALS
AUGUST 23, 2017 – 7:00 P.M.
TOWN HALL ANNEX – 134 GROTON LONG POINT ROAD
COMMUNITY ROOM 1

Chairman Stebbins called the meeting to order at 7:00 p.m.

I. ROLL CALL

Regular members present: Stebbins, Kravits, Manning, Russotto
Absent Mencer
Staff present: Zanarini, Gilot

II. PUBLIC HEARING

1. ZBA#17-06 – APPEAL - 120 Walker Hill Road – Community of Hope, INC, Owner; Thomas W. Potter, Appellant; to appeal the decision of the Zoning Enforcement Officer concerning Section 7.1-37 of the Zoning Regulations that a community residential counseling facility is not operating at 120 Walker Hill Road. PIN# 168911554431; R-12 Zone – Continued from June 28, 2017

Chairman Stebbins reviewed the meeting of June 28th. He said that the meeting got out of hand, and that this is not a courtroom. The attorneys can address the Board, and they would only address new items that happened subsequent to the June 28th meeting.

Attorney Carey addressed the Board. He noted that at the June 28th meeting, both respondents asked the Board to dismiss the appeal, which was a serious request. The Board has no jurisdiction to listen to Mr. Potter. He noted that anything after June 28th is not relevant to this appeal. The appeal filed was based on a ruling made in March. Evidence should only be relative to that. Mr. Carey said the statute requires the appellant to be aggrieved, and that living next door or nearby is not a grievance. He upheld his position that there has been no evidence proving grievance.

The Board concurred to hear and consider Mr. Potter's appeal.

Mr. Potter requested to submit more documents to the Board. He said he could not reference those documents at the previous meeting because the Board members did not have copies at the meeting. He requested the opportunity to present his argument based on those documents.

Mr. Carey said all the documents are repeat documents; he objected for the record.

Chairman Stebbins allowed Mr. Potter ten minutes to read his letter.

Manning asked Mr. Potter what his issue was; Mr. Potter said it was the counseling. Manning asked Mr. Potter if he considered faith based prayer with a volunteer to be counseling, because that is the only counseling being done. Mr. Potter said case management is a counseling technique.

Carey said Mr. Potter's argument is based on what he claims is a contract between Advanced Behavioral Health and Community of Hope, but the documents

do not indicate that case management is counseling. It is arranging for counseling. Faith-based counselors also have to be licensed, with pastoral requirements, but the people in question do not do counseling, they do bible study. Mr. Carey said Mr. Potter disagrees with the decision, but he is not aggrieved and has not been able to produce a contract indicating counseling. Mr. Carey said this is a Board, not a court. The papers submitted by Mr. Potter contained personal attacks, innuendo, and many items are out of date and speculative. Faith and spiritualism are not counseling, and they are not certified counselors.

Attorney Cody concurred with Attorney Carey's summary and the aggrievement issue. The statutes state that only an aggrieved person can file an appeal. The property meets the zoning regulations. Mr. Cody said the abuse over six years by Mr. Potter has affected the residents and owners of Community of Hope. He stated that Mr. Potter was not able to prove anything with the documents he has submitted, and there is no license to indicate counseling has taken place. Some of the documents provided are portions or excerpts taken out of context and strung together and should not be considered. There is no evidence to support Mr. Potter's appeal.

Mr. Potter addressed the Board. He said his presentation tonight included tab 13, a reference to the Zoning Regulations that states that a license is needed to do counseling which is case management.)

Manning read an affidavit (Exhibit #2 of 8/23/17) into the record.

The Public Hearing was closed at 8:10 p.m.

III. MEETING FOLLOWING PUBLIC HEARING

ZBA#17-06 – APPEAL - 120 Walker Hill Road – Community of Hope, INC, Owner; Thomas W. Potter, Appellant

MOTION: To uphold the Zoning Official's determination.

Motion made by Russotto, seconded by Kravits, so voted unanimously

IV. CORRESPONDENCE – None

V. APPROVAL OF MINUTES

1. August 9, 2017

Approval of the minutes was postponed to the next meeting.

VI. OLD BUSINESS - None _

VII. NEW BUSINESS – None

Staff said two new applications for variances were received. Public hearings were scheduled for September 27, 2017. Staff said there is a public hearing for an appeal scheduled for the September 13th meeting.

VIII. REPORT OF STAFF - None

IX. ADJOURNMENT

Motion to adjourn at 8:24 pm made by Russotto, seconded by Kravits, so voted unanimously.

Thomas Manning, Secretary
Zoning Board of Appeals

Prepared by Debra L. Gilot
Executive Assistant – OPDS

Russotto said uphold;
Manning – licensing issue, no proof of licensed counselor on site; uphold
Quinn’s decision.

Kravits – uphold

Manning:

Mr. Potter’s packet Exhibit #1 8/23/17

Stebbins – uphold

6 year pursuit of mean, insulting, vengeance.