

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
38 Trumbull Street Corp.; Nina) Report of Hearing Officer
Gambardella; Salodius Hicks, Jr.;) Docket #FIC77-203
and Velma G. Hicks;)
Complainants)
December 7, 1977
against)
Town of Branford; and the Zoning)
Board of Appeals of the Town of)
Branford, Respondents)

The above captioned matter was heard as a contested case on December 2, 1977 at which time the complainants and respondents appeared, stipulated to certain facts and presented evidence and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondents are public agencies within the meaning of §1-18a(a).

2. On September 13, 1977 the respondent board held a hearing on a request for a variance filed by one Harry Cass of Wallingford, Connecticut for property located on Stony Creek Road.

3. During the hearing on the aforesaid request for a variance, after it appeared that certain members of the respondent board had inspected the wrong property, the chairman of the respondent board announced the matter was tabled until the next meeting and closed the hearing.

4. The complainant herein appeared at the aforesaid hearing and made statements in opposition to the granting of the variance until the time when the matter was tabled by the chairman of the respondent board.

5. After the announcement that the matter was tabled, the complainants departed, believing that the matter would be considered by the respondent board at a subsequent meeting.

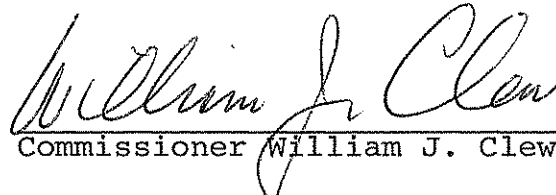
6. Later that evening, the respondent board voted to grant the variance.

7. By notice of appeal filed with the Commission on October 11, 1977, the complainants alleged that they had been deprived of their rights to attend a meeting of the respondent board and requested that the action of the respondent board in granting the aforesaid variance be declared null and void.

8. It is concluded that the events described in paragraphs 2 through 6, above, constitute a wrongful denial of the complainants' right to attend a meeting within the meaning of §1-21, G.S.

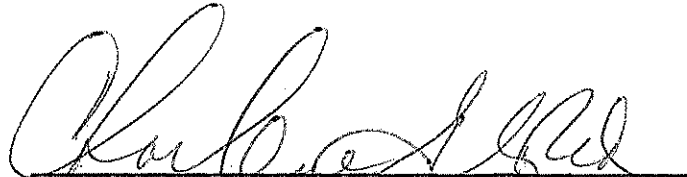
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The vote of the respondent board at its meeting on September 13, 1977 to grant the request for a variance described in paragraph 2 is hereby declared null and void.
2. Henceforth the respondent board shall comply with the requirements of §1-21, G.S. in all respects.
3. Nothing in this decision shall be construed as indicating any bad faith on the part of the respondents, it appearing that their actions at the aforesaid meeting were not intended to deprive anyone of their rights under the Freedom of Information Act.


Commissioner William J. Clew

as Hearing Officer

Approved by order of the Freedom of Information Commission on
December 19, 1977.


Charlene G. Arnold
Clerk of the Commission