

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Jerry A. Walden

FINAL DECISION

Complainant

Docket #FIC 85-97

against

August 14, 1985

Planning & Zoning
Commission of the
Town of Chester and
the Town of Chester

Respondent

The above captioned matter was heard as a contested case on June 24, 1985 at which time the complainant and the respondent appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

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

1. The respondent commission is a public agency within the meaning of §1-18a(a), G.S.

2. By a letter dated March 14, 1985 addressed to the chairperson of the respondent commission, the complainant requested copies of two maps of the Goss property submitted to the respondent commission on May 15, 1974 and mentioned in the commission's meeting minutes of that date.

3. In response to the complainant's request, he was informed by the respondent commission and the town's zoning enforcement agent that the documents were missing from their files.

4. The complainant was given total and unrestricted access to all town zoning records and the vault in the respondent town's office building.

5. By a letter of complaint filed with the Freedom of Information Commission of April 8, 1985, the complainant appealed the respondents' failure to provide him with the two property maps.

6. On June 21, 1985 the municipal clerk of the respondent town discovered and gave to the complainant copies of maps relating to the property in question, but the complainant contends that these were not the maps he requested.

7. The respondents moved to dismiss the complaint pursuant to §1-21(i)b, G.S., based on their willingness to allow the complainant to inspect and copy available public records.

8. It is found that although the respondent commission allowed the complainant to inspect and copy records, it failed to provide the property maps requested by the complainant.


9. It is therefore concluded that by failing to provide the complainant with the requested property maps, the respondent commission committed a technical violation of §§1-19(a) and 1-15, G.S.

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

1. The respondent commission shall forthwith request from the proponent of the Goss property kennel zoning application, decided on June 25, 1974, a copy of the maps that are the subject of this complaint and, upon receipt of same, shall forthwith provide the complainant with a copy of them.

2. The Commission notes that property maps submitted in zoning matters are important public documents. It therefore urges that the respondent commission use its best efforts to maintain an organized filing system which allows for the prompt recovery of public records.

Approved by order of the Freedom of Information Commission at its special meeting of August 14, 1985.



Mary Jo Lolicoeur
Clerk of the Commission