

Exhibit E-18

Exhibit D

LAW OFFICES OF

**Fahey, Landolina & Associates, LLC**

*A Connecticut Limited Liability Company*

Thomas W. Fahey, Jr.  
Carl T. Landolina

September 5, 2006

Honorable David Pinney  
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**Re: Four Town Fair Liquor Permit**

Dear Dave:

You have requested that I review materials relating to the application of the Union Agricultural Society, Inc. for a temporary liquor permit to sell beer during the Four Town Fair. The State of Connecticut permit application requires that a representative of the Town of Somers certify that the sale of beer is not prohibited under the Zoning Regulations.

In my opinion, the sale of beer at the fair is not prohibited by the Zoning Regulations.

I understand the facts as follows:

1. The Four Town Fair has been ongoing on the fairgrounds on Egypt Road since prior to the adoption of the first Zoning Regulations in Somers.
2. The Fair has continuously operated at that location and the use has not been abandoned.
3. The fairgrounds are located in both the A-1 and Industrial zones.
4. In 1975, the Rotary Club constructed a pavilion on the fairgrounds and began selling beer as a fundraiser during the fair.
5. The sale of beer is, and has always been, accessory to the principal use of the property as a fairgrounds.

123

6. The State has issued a series of temporary permits for the sale of beer at the fair. Each such permit required an acknowledgement from a town official that the sale of beer was not prohibited by the regulations.
7. The regulations in existence in 1975 did not prohibit the sale of beer in the Industrial or A-1 zone as an accessory use. These regulations, in fact, do not mention the sale of alcoholic beverages. Further there is no language in the regulations that "uses not specifically permitted are otherwise prohibited" (This language is in the current regulations).

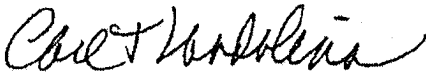
Based upon these facts, the issue is whether the sale of alcoholic beverages was a valid accessory use to the principal use of the property in 1975. If it was a valid accessory use, it became a non-conforming use when the regulations were later amended. In order for a town official to have signed the first permit application in 1975 or 1976, someone made the determination that the sale of beer constituted a lawful accessory use for the property. It would not be proper for this office to second guess that decision some thirty years later. Further, that decision was, most likely, an appealable decision. Whatever appeal period applied, that period has long since expired. Accordingly, it would appear that the sale of beer constitutes a valid non-conforming use.

Once a use attains status as a non-conforming use, it may continue until and unless it has been abandoned. I am not aware of any evidence of abandonment here. Moreover, Section 214-7 of the regulations provides that "any non-conforming use...lawfully existing as of the date of those regulations or any amendment thereof shall be permitted to continue notwithstanding any other provision of these regulations." Accordingly, the temporary sale of alcoholic beverages during the fair may continue.

I would note, however, that this opinion does not extend to matters not within its scope. Should the sale of alcoholic beverages be expanded, it could well be an illegal expansion of the non-conforming use.

If you have any questions regarding this matter, do not hesitate to contact me.

Very truly yours,



Carl T. Landolina

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