

Exhibit E-99

Jennifer Roy

From: George VanTasel <g4v9t@cox.net>
Sent: Monday, June 15, 2020 8:16 AM
To: Jennifer Roy
Cc: Stu G 4town Fair; Janice Steinmetz
Subject: Fwd: Union Agricultural Society Special Use Permit For Events and Sale of Alcohol Application #20-006 Please forward to committee members

Sent from my iPad

Begin forwarded message:

From: George <g4v9t@cox.net>
Date: June 14, 2020 at 7:55:48 PM EDT
To: George <g4v9t@cox.net>
Subject: RE: Union Agricultural Society Special Use Permit For Events and Sale of Alcohol Application #20-006 Please forward to committee members

June 15, 2020

Zoning Commission
Town of Somers
Letter of Support/ Testimony Supporting the Special Use Permit (If needed)
Application #20-006

George Van Tasel, Jr
15 BlueRidge Dr
Somers, CT. 06071

I moved to Somers in the mid 1970's. In the late 1970's, I started getting involved in local organizations, civic, political, sports and town commissions specifically the WPCA. I volunteered with the Union Agricultural Society for over 40 years and a past president representing Somers now retired.

I know what it is like to sit in your seat. I was on the WPCA commission when there was a water pollution issue in the Rye Hill Circle area. We all do our best, knowing whatever we do, it will not satisfy everyone. I want to thank you for your time and commitment to the Town of Somers.

I have viewed the meetings of the Zoning Commission regarding this matter and reviewed most of the documentation submitted to the commission regarding the application, for a Special Use Permit which "may" be needed now to sell alcohol and hold events on the Society's property/fairground. Events some selling alcohol have been held on the fair-grounds, other than at the annual fair, sense I've in evolved, 40 years and before.

My position on this matter is as follows:

125

- a. The fairgrounds were there before the development was built.
- b. The developer built a berm and planted seedlings which have grown into full sized trees to block out the view when the grounds are being used.
- c. A fence was installed on the property line.
- d. There have been signs on the fence stating Fairground Rentals year-round facing the development.
- e. A sign for Fairground Rentals was also placed on Egypt Road on the Society's property.
- f. The few speaking against acknowledged the new they were buying property near a Fairgrounds.
- g. The Society has had events on its property for 59 years.

Throughout the years, signs became weathered, removed and replaced where possible. Anyone going by the fairgrounds, to the local dump or driving on Egypt Road, knew when and if the fair grounds were being used. Most of the event sponsors would also put a sign announcing their event on the Society's property. Many would put advertisements in the local papers or on social media. The Fairgrounds Rental sign was always in plain sight.

Year round use of the fair-grounds has been known by town administrators, employees, and by a few of your committee members. It's hard to believe no one, over the 59year span would not have checked to see if a Variance or Special Use Permit was in place for the property; if one was needed, before giving approvals for events to be held.

Over the years, no individual or organization came back to the Society and said a Special Use Permit or Variance was needed to hold their event on the property.

The fair secretary was employed by the town for over 20 plus years, having an office in the town hall. It would only make sense in the 20years plus span whenever an organization was applying for approvals to hold their event on the property; she would have been told a variance would be need by the society before the grounds could be used by other organizations If there was a need for a variance it should have been addressed at least 40 years ago.

When the Mass Gathering Ordinance was being proposed, a meeting was held in the Selectman's conference room. Representatives from most town agencies were in attendance. I was there representing the Union Agricultural Society. The meeting was abouts events being held in town. Special Use Permits were in the discussion, Sonny's Place representative was there discussing their events, the owner of Joanna's was there discussing his events and I was there discussing the Society's events. The needing of a Special Use Permit by the Society was never mentioned.

The fact is no records can be found. It may have been misplaced, destroyed by accident or not filed correctly if one was given. Please keep in mind there have been personnel changes, offices being moved, people coming in to look at files. Who knows what else may have happened one thing I am positive of, is the fairgrounds have been used year-round for over 40 years with the knowledge of town officials past and current? Which leads me to believe a variance was not needed when the property was purchased or a variance was granted and misplaced. Now after more than 50 years of grounds rentals the Society gets a notice a Special Use Permit is needed to hold events on their property.

The Union Agriculture Society has used its property for their annual fair and other events sense my involvement. The fair was not the only event which sold or distributed alcohol on the

property, the one that stands out the most in my mind was the Vanners, and they used the property for over 30 years. The State always issued temporary permits. Another event that stands out is the Hartford county 4H fair, they used the grounds 1980-2019. The towns/officials always signed off for every event which needed their approval.

This whole issue came about when a local organization approached the zoning enforcement official (March or April, 2020 ?), telling her they had exclusive rights to sell beer and wine on the fairgrounds. This same issue was "addressed" when the organization told the Town Clerk in 2015, they had exclusive rights to sell alcohol on the fairgrounds. I believe a fund raiser was scheduled to be held on the grounds and alcohol was going to be available, I was president of the Society at that time. I, the Society's secretary and two of the other presidents of the Society met with two members of that organization, and it was concluded their organization does not have exclusive rights to sell alcohol on the Society's property (Reference town Atty Carl Landolina legal opinion dated September 5, 2006.) I was very surprised this same ugly issue resurfaced again.

To name a few events held on the Society's property some selling or providing alcohol over the last 40 years:

1. Somers Fire Department had a Chili festival.
2. The Doodle Bug Association had events at the fairgrounds throughout the summer months.
3. Many charities walks and bike events either started or ended at the fairgrounds or had a check in station for refreshments.
4. Wine and beer tasting events with a state permit multiple times and town officials were notified and signed the approvals.
5. The Wood-n-Tap Bar & Grill held a fundraiser on the fairgrounds and alcohol was sold, they used their catering license.
6. The Vanners used the grounds for multiple years. Alcohol was available, state permits were issued and town officials signed off on all of their events (approximately 30 years of using the fairgrounds and only one complaint).
7. Horse shows.
8. A rodeo.
9. A circus.
10. Goat shows.
11. A retired military group would use the grounds, displaying military vehicles and even giving helicopter rides.
12. The most recent usage of the grounds was the starting point of the 2020 high school graduation parade.

Again, these types of events and others have taken place on the fairgrounds for over 40 years, that I'm aware of. Some of the groups using the grounds paid the Society and others were granted permission free of charge. All events were in public view. Anyone driving on Egypt Road could see if an event was taking place on the grounds. Whatever group using the grounds over the last 40 years would go to the Town Hall and get necessary paperwork/approvals for their event. Approvals would come from the police, fire department, sanitarian and other town departments. It's hard to believe no one from those agencies, over the 59yr span would not have checked to see if a Variance or Special Use Permit was in place for the property, before giving approvals. Over the years, no individual or organization came back to the Society and said a Special Use Permit or Variance was needed to hold their event on the property.

I am sure some of your committee members can recall other events being held on the grounds before my time and after. Reference Zoning Meeting April 14, 2020 YouTube Video:

I will use as exhibits already in your possession, Zoning files and testimony and exhibits submitted by the people opposing the Special Use Permit to further my support for a Special Use Permit for the Society (if needed).

Exhibit A

“OFF-SEASON RENTALS” very clear on the web site.

The remainder of the exhibit is pictures of the fairgrounds, names of its supporters. All buildings pictured were built for the fair. Craft building, products sold during the fair, food concession building, entertainment, horse, cattle, sheep, show announcing stands. All needed to put on a fair. The buildings a driveway away from the property line are used for livestock housing and exhibits during the fair. The town issued permits for all the buildings. These pictures are the fair-grounds which the volunteers work very hard to maintain to keep a longstanding tradition going.

Exhibit B

The Vanners use of the fairgrounds August 12-14, 2011.

The Vanners organization used the fairgrounds for approximately 30 years. There was only one complaint about noise, I’m aware of. One of the other fair presidents, Stu Grant, already testified the Vanners organization were no longer using the grounds.

Exhibit C

Annual Mud Bog & Truck Show June 22, 2019

The society was having a fund raiser on the fairgrounds to help cover the expense of having the Four Town Fair and grounds maintenance. The noise is during daylight hours and most of the participating trucks have legal exhaust systems.

It was also mentioned the Mud Bog was in the wetlands. This is true however; the Association was granted a permit by the Wetlands Commission to build the bog. The Wetlands Enforcement Officer, myself and possibly Wetland Commissioners, were on site to review the area before granting the permit. Everything that was done was with approval. The area was much less disturbed than anticipated.

Exhibit F

Paper work filled out correctly and handed in in a timely manner.

Society’s 990 forms have to be done yearly.

CHARTER

Incorporating the Union Agricultural Society

“Manage the affairs and effect the objects of said Society”

“Do all acts appertaining to the business of the Society”

Approved July 6, 1870

CONSTITUTION & BY-LAWS

ARTICLE II

The society shall hold a fair annually on its property in Somers.

The word “only” is not included in this sentence.

Whereas;

1. The Society's property has been used for their annual fair for 59 years.
2. The Hartford 4H has held their annual fair on the Society's property sense approximately 1980-2019 after their grounds were destroyed by a tornado in 1979.
3. The property has been either rented out or used without fees charged for 40 years that I'm aware of, some selling or distributing alcohol.
4. The Town of Somers/officials were aware the Society's property was being used for events other than their annual fair and signed off in order for the events to happen.
5. The few speaking against acknowledged the new they were buying property near Fairgrounds.
6. Zone Commission members acknowledged the fairgrounds have been used for other events for many years. (April 14, 2020 Zoning meeting YouTube Video)
7. A letter addressed to the town Atty. Dated August 23, 2006, addressed Society's property zones at that time and earlier (Zoning files/Public Information)
8. Town Atty's letter dated September 5, 2006. (Sale of alcohol on Society's property address's zones)

If the Society's property doesn't qualify for grandfathering, (property continuing to be used to hold events some selling or distributing alcohol from the 70's-2019) or Title 8-13b (CGS's). Then a Special Use Permit should be granted the very least.

If the Zoning Commission Members or Zoning official, have any questions or would like to do a walk through one on one or as a group, I will explain why each building was built and what it's used for at fair time. I can be reached by email, g4v9t@cox.net or contact me by phone at 860-749-8455

Again, thank you for your time and dedication to the town of Somers.

Sincerely,

George Van Tassel Jr.

Sent from Mail for Windows 10