

**ZONING BOARD OF REVIEW**  
**Minutes**  
**January 7, 2015**  
Coventry Town Hall  
1670 Flat River Road  
Work Session & Regular Meeting  
**7:00 p.m.**

**Members in Attendance:** Robert Crowe, Virginia Soucy, Denise DeGraide, Jeanne Kostyla, John D'Onofrio and John Studley

Mr. Crowe: Before we get started I want to let you know where the fire exits are. They are to your rear. These exits here take you further into the building. We will have our work session, discuss the applications from last month, then open the public hearing for new business and we will hear the new applications for tonight. I would like to have a motion to approve the Minutes from December 2014.

Ms. Soucy: So moved.

Ms. Kostyla: Second.

Mr. Crowe: All those in favor Aye?

Board: Aye.

Mr. Crowe: Nays? Ayes have it.

**OLD BUSINESS**

<b>Applicant:</b>	<b>Donna Dorsey</b>
<b>Owner:</b>	<b>Same</b>
<b>Location of Property:</b>	<b>AP 310 Lot 120; 304 Richardson Road</b>
<b>Zone:</b>	<b>RR-5</b>
<b>Existing Use:</b>	<b>Single Family Residence</b>
<b>Proposed Use:</b>	<b>Same</b>

Applicant is seeking a Dimensional Variance to construct a two car garage in the front yard.

Ms. Soucy: I was surprised over the outcome of it.

Mr. Crowe: I see we have a survey map submitted from the Board.

Ms. Soucy: It is definitely different.

Mr. Crowe: I wasn't here before so I don't know what information came ahead of time.

Mr. D'Onofrio: Who did the survey, the applicant?

Mr. Peabody: Yes.

Mr. D'Onofrio: So they determined that that is her property and she is within in the bounds?

Mr. Peabody: Yes.

Ms. DeGraide: Potential structure is within her property.

Mr. Peabody: The only thing that is not is the shed.

Ms. DeGraide: Correct, it looks like it straddles the line.

Mr. D'Onofrio: Any discussion on moving the shed?

Ms. Dorsey: Yes.

Ms. Kostyla: So she is just asking for a variance for the original....

Mr. Peabody: Correct, you are still voting on the same thing. There are no changes to the application whatsoever.

Mr. D'Onofrio: We just had to verify.

Mr. Peabody: We just wanted verification, once the neighbor brought up concern...the property line is not exactly where we thought it was.

Mr. D'Onofrio: The house is 3 feet already. The two things we kept looking at is the setback and the fact that it's in the front.

Mr. Peabody: The variance is just for the fact that it's in the front yard. There is no setback requirement for something in the front yard because it's not allowed. I would appreciate if you would put in your Decision how close you felt it could be to the property line otherwise they can put it anywhere.

Mr. Crowe: Why is it so close to the property line?

Mr. Peabody: Basically because of the location of the septic system.

Mr. Crowe: So another two or three feet would make a big difference?

Mr. Peabody: Yes.

Ms. Kostyla: And there is a well there and a big rock?

Mr. Peabody: And they were trying to aesthetically show off the house.

Ms. DeGraide: I don't have a problem with it.

Ms. Soucy: Me either.

Ms. Kostyla: I don't either.

Mr. D'Onofrio: The real question is having the garage in the front of the house and not the setback. When we saw the plan it...

Ms. DeGraide: They don't really have a choice. You can't get to the back.

Mr. Crowe: That's a big concern and that's really the only place to put it. If approved it would be with the stipulation of 2 feet from the property line?

Ms. Soucy: 18 feet from the road.

Mr. Crowe: 18 feet from the road, 2 feet from the side property line. If approved it will be so with those two stipulations.

Ms. Soucy: That's what they're asking for so we won't have to stip it...

Mr. Peabody: As long as you put that into the record, it should be part of the Findings of Fact, not necessary a stipulation. As long as it's made known.

<b>Applicant:</b>	<b>BNR, Inc.</b>
<b>Owner:</b>	<b>Same</b>
<b>Location of Property:</b>	<b>AP 34 Lot 17.001; 4A Veronica Court</b>
<b>Zone:</b>	<b>R-20</b>
<b>Existing Use:</b>	<b>Vacant Lot</b>
<b>Proposed Use:</b>	<b>Single Family Home</b>

Applicant is seeking a Dimensional Variance to construct a house 45 feet tall where 35 feet is allowed.

Ms. Assalone: I am stating for the record that I am recusing myself from the proceedings because of a conflict.

Mr. Crowe: I am asking Denise to take over because I wasn't present last time to hear the testimony.

Ms. DeGraide: I don't see a problem with this project. The home is tall but the trees surrounding it are taller than the house. I think it fits in with the neighborhood.

Mr. Crowe: It fits in.

Mr. D'Onofrio: I think it's a good plan.

Mr. Crowe: So if approved it will be as presented.

<b>Applicant:</b>	<b>Barry J. Blair</b>
<b>Owner:</b>	<b>Same</b>
<b>Location of Property:</b>	<b>AP 38 Lot 1.1 &amp; 1.2; 548 Tiogue Ave</b>
<b>Zone:</b>	<b>GB</b>
<b>Existing Use:</b>	<b>Apartment &amp; Office</b>
<b>Proposed Use:</b>	<b>Same with Medical Marijuana Horticultural Facility</b>

Applicant is seeking a Special Use Permit to grow medical marijuana and a Variance to keep shipping containers on the property.

Mr. Crowe: We have two permits. I am again going to turn this over to Denise.

Ms. DeGraide: We didn't hold over the public hearing, we closed that. Now we are up for discussion for the work session. This is a tough one. In concept the project is an idea whose time has come. I think this particular location is not the place for it. I am concerned about its proximity to the day care centers and to the school. I am concerned about a project that will be surrounded by metal fence with barbed wire on the top which to me is a magnet for people that want to challenge that kind of security. I just feel for the safety of the people in town it's not his fault that this is where the plot of land is, but I have a hard time with this.

Ms. Kostyla: And we should have gotten the DEM approvals and he is on the lake.

Mr. D'Onofrio: This is a tricky one. I think it's a great idea; one of the things handcuffing us is this moratorium in Coventry. I know its grandfathered, if this wasn't a good location I would love to help him find a better location unfortunately there is a moratorium in place that won't allow us to do that. I did review the video and I think it's a wonderful idea. I don't like the location. One of the things I want to point to is we have in our Zoning Ordinance, Overlay District Ordinance that states that district in Coventry, the buildings have to have a certain aesthetic look to them and I will tell you that it does not include barb wires. Certain things like visually compatible, historical character of Coventry, awnings, no flat roofs, traditional roof forms, there is a whole list of things that needs to be done and this just doesn't fit with that. The fact that you have a building going up that requires barbed wire, even though I don't think this gentleman would do anything that could be dangerous, I think this type of business because it requires barbed wire lends to certain danger in that area. I think his intentions are good and I wish we could find him a better spot. One thought and I don't know if this works or not is to reject without prejudice, he doesn't have to wait a year to come back, see what the Town Council does, if the moratorium supersedes the federal law. This is still illegal federally and one of the things they are going to step in on on the Federal side is if you are too close to the school, they are going to step. Unfortunately this one is 850 feet from a school it needs to be a 1000 feet or more. These are the concerns I have. I can't say it strong enough I want this type of business to succeed just not this location. This gentleman came in front of us, he wants to do it the right way, monitored, it's just not the right spot in my opinion.

Ms. Soucy: I was quite concerned about the Federal law. I don't even know if we should have been hearing the Town of Coventry having us vote on something that's against Federal law so I asked our Solicitor to check into the law for us and she can fill us in.

Ms. Assalone: Members of the Board, I have provided those of you who requested of me a copy of Title 21 United States Code Controlled Substances Act. I direct your attention to Schedule 1 that still as of today's date lists marijuana as an illegal substance to cultivate or possess at the Federal level. So as of today it's still against federal law.

Mr. D'Onofrio: What is your take on how aggressive federal will be on this type of business?

Ms. Assalone: Our own Peter Norona who the local U.S. Attorney has suggested that he is still interested in prosecuting marijuana, he has stated so publicly. There have been certain memoranda at the federal level that suggests that they're sort of going to focus on the prosecution of bigger operations, organized operations or operations next to school zones, but they certainly have not repealed the law that still makes marijuana illegal at the federal level.

Ms. Kostyla: That was my biggest concern being the groundbreaker for this when it has only been passed as Rhode Island law and of course it's not in our Comprehensive Plan because that concern wasn't there before. In my mind, the spirit of the Comprehensive Plan is not being considered according to what is going to be placed in our business district.

Mr. Studley: I have been trying to learn all I can about, the laws and regulations, dos and don'ts. Again I agree with the Board, it doesn't fit in that location. Do I think its coming? I think its coming, I just...it doesn't fit the plan as to the property on Tiogue Avenue.

Mr. Crowe: At this time here, if that application is approved it would be approved or disapproved underneath a Special Use Permit, utilizing the property as a co-operative cultivation facility and also a separate for Dimensional Variance utilizing the shipping containers on the subject properties. Like John says, voting upon the construction and appearance of shipping containers on the property. Reading into the meeting the shipping containers would be re-organized, re-set up, but again this is how we would vote on this. I am going to go to the first application.

<b>Applicant:</b>	<b>Donna Dorsey</b>
<b>Owner:</b>	<b>Same</b>
<b>Location of Property:</b>	<b>AP 310 Lot 120; 304 Richardson Road</b>
<b>Zone:</b>	<b>RR-5</b>
<b>Existing Use:</b>	<b>Single Family Residence</b>
<b>Proposed Use:</b>	<b>Same</b>

Applicant is seeking a Dimensional Variance to construct a two car garage in the front yard.

### **Findings of Fact**

Donna Dorsey  
AP 310 Lot 120; Zone RR-5  
304 Richardson Road, Coventry, RI

---

#### **Dimensional Variance to construct a two car garage in the front yard**

There are certain criteria set forth in Section 454 of the Zoning Ordinance that must be addressed in order to approve or deny a Dimensional Variance. At this time I would like to read the following Findings of Fact into the Record:

---

**That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant;**

◇ That the hardship that the applicant seeks relief is due to the unique characteristics of the subject land. Insomuch as the lot is just 54 feet wide and does not provide room to place the garage on the side and there is no access to the back yard.

-OR-

◇ There are no unique characteristics of this property that justify a deviation from the regulations.

---

**That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize a greater financial gain;**

◇ The hardship is not the result of any prior action of the applicant and is not a result primarily from the desire of the applicant to realize a greater financial gain.

-OR-

◇ The hardship is the result of the applicant's prior action and primarily does stem from the applicants desire to realize greater financial gain.

---

**That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Coventry Comprehensive Plan.**

◇ This requested variance if approved will not alter the general character of the surrounding area or impair the intent or purpose of the Coventry Zoning Ordinance or Comprehensive Plan.

-OR-

◇ This proposal if approved would result in the creation a condition inconsistent with the intent of the Zoning Ordinance.

---

**That the relief being granted is the least relief necessary**

◇ The relief being granted is the least relief necessary

-OR-

◇ That the relief being granted is not the least relief necessary

---

**In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience**

◇ If this application is rejected is will result in more than and mere inconvenience of the applicant.

-OR-

◇ If this application is rejected it will only result in a mere inconvenience to the applicant.

---

◇ I make a motion to **Approve** the Variance Application

-OR-

◇ I make a motion to **Deny** the Variance Application.

-OR-

◇ I make a motion to **Approve** the Variance Application provided the applicant adheres to the following stipulations

<b>Ms. Soucy:</b>	<b>Approve*</b>
<b>Ms. Kostyla:</b>	<b>Approve*</b>
<b>Mr. Studley:</b>	<b>Approve*</b>
<b>Mr. D'Onofrio:</b>	<b>Approve*</b>
<b>Ms. DeGraide:</b>	<b>Approve*</b>

***\*Stipulations-Two feet from the left side property line and 18 feet from the road.***

<b>Applicant:</b>	<b>BNR, Inc.</b>
<b>Owner:</b>	<b>Same</b>
<b>Location of Property:</b>	<b>AP 34 Lot 17.001; 4A Veronica Court</b>
<b>Zone:</b>	<b>R-20</b>
<b>Existing Use:</b>	<b>Vacant Lot</b>
<b>Proposed Use:</b>	<b>Single Family Home</b>

Applicant is seeking a Dimensional Variance to construct a house 45 feet tall where 35 feet is allowed.

### **Findings of Fact**

BNR, Inc.

AP 34 Lot 17.001; Zone R-20

4A Veronica Court, Coventry, RI

---

**Dimensional Variance to construct a single family home 45 feet tall where 35 feet is allowed**

There are certain criteria set forth in Section 454 of the Zoning Ordinance that must be addressed in order to approve or deny a Dimensional Variance. At this time I would like to read the following Findings of Fact into the Record:

---

**That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant;**

◇ That the hardship that the applicant seeks relief is due to the unique characteristics of the subject land. Due to the small size and irregular shape of the lot a good size home with a conventional garage cannot be placed on the lot and requires the garage to be placed under the home resulting in the proposed home exceeding the height limitation for this zone.

-OR-

◇ There is no unique characteristic of this property that justifies a deviation from the regulations.

---

**That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize a greater financial gain;**

◇ The hardship is not the result of any prior action of the applicant and is not a result primarily from the desire of the applicant to realize a greater financial gain.

-OR-

◇ The hardship is the result of the applicant's prior action and primarily does stem from the applicants desire to realize greater financial gain.

---

**That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Coventry Comprehensive Plan.**

◇ This requested variance if approved will not alter the general character of the surrounding area or impair the intent or purpose of the Coventry Zoning Ordinance or Comprehensive Plan.

-OR-

◇ This proposal if approved would result in the creation a condition inconsistent with the intent of the Zoning Ordinance.

---

**That the relief being granted is the least relief necessary**

◇ The relief being granted is the least relief necessary.

-OR-

◇ That the relief being asked for is not the least relief necessary.

---

**In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience.**

◇ If this application is rejected it will result in more than a mere inconvenience of the applicant.

-OR-

◇ If this application is rejected it will only result in a mere inconvenience to the applicant.

---

◇ I make a motion to **Approve** the Variance Application  
-OR-

◇ I make a motion to **Deny** the Variance Application  
-OR-

◇ I make a motion to **Approve** the Variance Application provided the applicant adheres to the following stipulations

<b>Ms. Soucy:</b>	<b>Approve</b>
<b>Ms. Kostyla:</b>	<b>Approve</b>
<b>Mr. Studley:</b>	<b>Approve</b>
<b>Mr. D’Onofrio:</b>	<b>Approve</b>
<b>Ms. DeGraide:</b>	<b>Approve</b>

<b>Applicant:</b>	<b>Barry J. Blair</b>
<b>Owner:</b>	<b>Same</b>
<b>Location of Property:</b>	<b>AP 38 Lot 1.1 &amp; 1.2; 548 Tiogue Ave</b>
<b>Zone:</b>	<b>GB</b>
<b>Existing Use:</b>	<b>Apartment &amp; Office</b>
<b>Proposed Use:</b>	<b>Same with Medical Marijuana Horticultural Facility</b>

Applicant is seeking a Special Use Permit to grow medical marijuana and a Variance to keep shipping containers on the property.

### **Findings of Fact**

Barry Blair

Variance to utilize to shipping container on the subject property  
AP 38 Lot 1.1 & 1.2; Zone GB  
548 Tiogue, Coventry, RI

---

#### **Dimensional Variance utilize the shipping container on the subject property**

There are certain criteria set forth in Section 454 of the Zoning Ordinance that must be addressed in order to approved or deny a Dimensional Variance. At this time I would like to read the following Findings of Fact into the Record.

---

**That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant;**

◇ That the hardship that the applicant seeks relief is due to the unique characteristics of the subject land due to the intended use of the property. The shipping containers would provide added security.

-OR-

◇ There are no unique characteristics of this property that justify a deviation from the regulations.

---

**That the hardship is not the result of any-prior action of the applicant and does not result primarily from the desire of the applicant to realize a greater financial gain;**

◇ The hardship is not the result of any-prior action of the applicant and is not a result primarily from the desire of the applicant to realize a greater financial gain.

-OR-

◇ The hardship is the result of the applicant's prior action and primarily stems from the applicants desire to realize greater financial gain.

---

**That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Coventry Comprehensive Plan.**

◇ This requested variance if approved will not alter the general character of the surrounding area or impair the intent or purpose of the Coventry Zoning Ordinance or Comprehensive Plan.

-OR-

◇ This proposal if approved would result in the creation a condition inconsistent with the intent of the Zoning Ordinance.

---

**That the relief being granted is the least relief necessary**

◇ The relief being granted is the least relief necessary.

-OR-

◇ That the relief being asked for is not the least relief necessary.

---

**In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience.**

◇ If this application is rejected is will result in more than and mere inconvenience of the applicant.

-OR-

◇ If this application is rejected it will only result in a mere inconvenience to the applicant.

---

◇ I make a motion to **Approve** the Variance Application

-OR-

◇ I make a motion to **Deny** the Variance Application.



**Mr. Studley: Reject**

**Mr. D'Onofrio: Reject**

**Ms. DeGraide: Reject**

**Applicant: Barry J. Blair**

**Owner: Same**

**Location of Property: AP 38 Lot 1.1 & 1.2; 548 Tiogue Ave**

**Zone: GB**

**Existing Use: Apartment & Office**

**Proposed Use: Same with Medical Marijuana Horticultural Facility**

Applicant is seeking a Special Use Permit to grow medical marijuana and a Variance to keep shipping containers on the property.

### **Findings of Fact**

Special Use Permit Barry Blair

AP 38 Lot 1.1 & 1.2; Zone GB

548 Tiogue Avenue, Coventry, RI

---

**Applicant is seeking a Special Use Permit to utilize their property as a Cooperative Cultivation Facility.**

There are certain criteria set forth in Section 430 of the Zoning Ordinance that must be addressed in order to approve or deny a Special Use Permit.

---

I would like to make the following Findings of Fact part of the record:

**Ingress and egress to the lot and the existing or proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire, emergency or catastrophe;**

◇ The ingress and egress to this lot is acceptable for the proposed use provided as depicted in the site plan. The applicant proposes no changes to the existing ingress and egress from the lot.

-OR-

◇ The ingress and egress to this lot is not acceptable in the current proposal. The applicant has failed to provide detailed plans to properly evaluate the ingress and egress from the site.

---

**Off-street parking and loading areas where required (see Article 12), with particular attention to the items in the Subsection A above, and to the economic, noise, glare or odor effects of the special-use permit on adjoining lots;**

◇ The property has enough parking area to accommodate the proposed use.

-OR-

◇ The plan as proposed does not have adequate parking for this proposal. The applicant's plans state that there will be parking for 30 cars but does not depict the parking space for

drive isles. These plans are not detailed enough to evaluate the parking facilities for this project.

---

**Trash, storage and delivery areas with particular reference to the items above**

◇ Trash collection will be provided by the applicant. Little trash should be generated from site.

-OR-

◇ The applicant has not fully addressed how the waste from this business particularly waste water will be disposed of.

---

**Screening and buffering with reference to type, dimensions and character**

◇ No additional screening or buffering is required or necessary for this proposal.

-OR-

◇ The proposal does not have enough screening or buffering to protect the neighbors from the adverse visual nuisance of this proposal.

---

**Utilities, with reference to location, availability and compatibility**

◇ No Utilities are proposed for this development.

-OR-

◇ Utilities will be a problem. The applicant has stated they will utilize Kent County Water Authority water but have not submitted the approval to do so.

---

**Required yard and other open space**

◇ This proposal has no required yard or open space requirement.

-OR-

◇ The proposal does not have the adequate yard.

---

**General compatibility with lots in the same or abutting zoning districts;**

◇ The proposed use is in general compatibility with the area being located in a commercial district.

-OR-

◇ Due to the elicited nature of this proposal it is not compatible with the surrounding area. There is a daycare within a 1,000 feet and an elementary school approximately a half mile away from the property

---

**The use will not result in or create conditions that will exceed the Industrial Performance Standards.**

◇ This proposal will be well within the Industrial Performance Standards.

-OR-

◇ This proposal will exceed the Industrial Performance Standards.

---

**General compatibility with the Coventry Comprehensive Plan**

◇ The proposed use is compatible with the Comprehensive Plan inasmuch as the Comp Plan calls for this area to be commercial.

-OR-

◇ The proposed use is not compatible with the Comprehensive plan

---

**That the granting will not result in conditions inimical to public health, safety, morals and welfare.**

◇ The proposed use will not result in conditions inimical to the public health, safety, morals or welfare

-OR-

◇ The granting of this proposal will result in conditions inimical to public health, safety, morals and welfare inasmuch as Marijuana is an illegal substance and the Town of Coventry cannot at this time condone the use or growing of a federally illegal drug. Furthermore the proposed development is within the DEM 200' wetlands setback from the river and no DEM approvals have been submitted. We do not know if this development will have a negative effect on the environment.

---

◇ I make a motion to **Approve** the Special Use Permit Application

-OR-

◇ I make a motion to **Deny** the Special Use Permit Application

-OR-

◇ Therefore I make a motion to **Approve** the Special Use Permit Application provided the applicant adheres to the following stipulations

Mr. Crowe: Egress to the lot is acceptable. Is there anybody that feels that's not acceptable?

Ms. DeGraide: No.

Mr. Crowe: Off street parking and unloading.

Ms. DeGraide: Off street parking is not really an issue.

Mr. Crowe: Trash? Waste maybe water waste. Has the applicant addressed on how the waste would be disposed of?

Mr. D'Onofrio: Yes.

Mr. Crowe: Utilities will be a problem. The applicant stated they will utilize Kent County Water Authority but have not submitted an approval. Also I believe you

would have to have much greater electricity. The required yard and open space; I don't think that's a problem.

Ms. DeGraide: No.

Mr. Crowe: General compatibility with lots in the same or abutting zone that seems to be the big stickler.

Mr. D'Onofrio: Not really, it says here being located in a commercial district, its commercial and so aren't the abutting properties.

Mr. Crowe: Due to the fact that somebody stated the school and daycare are very close. I felt that fell into the compatibility. The use will not result in conditions that exceed the industrial performance. I don't think that's a problem. General compatibility with the Comprehensive Plan...

Ms. DeGraide: It's not compatible with the Comprehensive Plan.

Mr. Crowe: The granting of the use will not result in conditions inimical to public health, safety and welfare. That's a stickler.

Ms. DeGraide: I think it could.

Ms. Kostyla: I do too.

Mr. D'Onofrio: I think it's unknown.

Ms. DeGraide: Its unknown but I don't want to take the chance that it's going to be a problem.

Mr. Crowe: So you are saying insomuch as as marijuana is an illegal substance that the Town of Coventry cannot at this time condone the use of a federal illegal drug.

Ms. DeGraide: Correct.

Mr. Crowe: The proposed development is within 200 DEM wetlands setback. It does make a lot of issues come up that are unknown.

**Ms. Soucy: Reject**

**Ms. Kostyla: Reject**

**Mr. Studley: Reject**

**Mr. D'Onofrio: Reject**

**Ms. DeGraide: Reject**



Mr. Crowe: I am going to refer the counsel on this if this was advertised correctly.

Mr. Peabody: The owner of the land was advertised as Samuel Shapiro, he does own the land, the deed is in his name.

Mr. Crowe: The applicant...

Mr. Peabody: The applicant is not advertised correctly.

Mr. Crowe: Can we hear it at this time if it was not correctly entitled on the advertisement?

Ms. Assalone: It would be cleaner if you re-advertised.

Mr. Mulhearn: Mr. Chairman, if I may, the Board can certainly go forward with these circumstances because Mr. Kim is principal but if this Board was to grant the relief requested he would need to do so in the name of the business not in Mr. Kim's individual name because he does not operate the business individually.

Mr. Crowe: Okay, so we can save time, I will let you continue but I will have my attorney...

Ms. Assalone: Again while I agree with my brother of the bar, I will say it will be cleaner if they re-apply with the appropriate name with the appropriate owners, however, I agree that you as a Board have the discretion if you wish to hear it without such a clean advertisement.

Mr. Crowe: The problem is point blankly someone comes to me and says that's not the name I saw out there. It does make it extremely difficult. At this time I will have the Board...I am going to open for discussion. Does the Board want to hear this application under the circumstances? Or?

Ms. Soucy: I would like to have it done properly.

Ms. Kostyla: Same here.

Mr. Studley: It should be cleaner.

Mr. D'Onofrio: I am okay hearing it tonight. I don't see much controversy here.

Ms. DeGraide: I think we should have it cleaned up.

Mr. Mulhearn: Mr. Chairman, if I may be heard on the matter. The concern is we have a business, Mr. Kim has made a considerable investment in this community, it's a business very candidly obtained building permits, certificate of occupancy, passed fire inspection and was okayed to open its doors, in fact did that, however, when it was brought to Mr. Kim's attention there was concern at the time the business began its operation, they did not have a licensed massage therapist on staff. That it was then required to shut down, make an application for a special use permit for that simple purpose.

Mr. Crowe: I may have a solution. How about if you re-advertise it, we will hear it tonight, continue the meeting open so other people can come up next month, if that's okay with the rest of the Board.

Ms. Assalone: That's a great compromise.

Mr. Mulhearn: I have no opposition.

Mr. Mulhearn: This is an application for a special use permit as a result of the concern the zoning official had at the time Cascade Spa opened for business insofar as it was offering or proposed to offer reflexology, hot stone therapy, body scrubs and body wraps. At least in the view of the zoning official, that under R.I.G.L. Section 23-20.8(1) there was a requirement to have a licensed massage therapist on staff to oversee and administer such therapy. Admittedly when Cascade Spa opened it didn't have one. In the Zoning Official's view, the lack of on-staff licensed massage therapist necessitated an application for special use permit. Since the filing of the special use application this evening, Cascade Spa has in fact retained on a fulltime basis a licensed massage therapist. That was provided to the zoning official who I believe in turn provided to the members of the Board in their packet. As a result I respectfully submit that there is no need under Rhode Island Law for a special use permit now. Because now you have a fulltime licensed massage therapist overseeing and administering the aforesaid therapies. Additionally as a further prophylactic measure, Cascade Spa has also engaged on a fulltime basis an individual who is certified in reflexology. That certification has also been provided to the Board. Rhode Island doesn't have a licensure for reflexology. Again on that basis alone, there is no need for a special use permit. That being said, because there was concern on part of the zoning official, who would I suggest to the Board has been good to work with, in order to be transparent with what Cascade Spa is endeavoring to do, we thought it prudent to still go before the Board and advise the Board as to the business operation. In my client's view and in my view, based on the statutory scheme governing the operation of business, type of business, Cascade Spa is now in conformity and does not require any relief from this Board. Indeed, it could open its doors tomorrow, if it chose too. That being said, again out of an abundance of caution and in prudence because this process was already initiated, we wanted to come before the Board and advise the Board as to what steps Cascade Spa has in fact done to ensure its conformity with compliance to Rhode Island Law. Unfortunately Cascade Spa had not retained counsel prior to opening for business and was not very candidly conversive having not any other business operations in Rhode Island and what Rhode Island Law requires for the administration for these types of therapies. Mr. Kim has businesses in Connecticut and New Jersey. He operates nail salons there. He is building a new nail salon in Middletown and also looking for additional locations in Rhode Island. As an off-shoot of that business the endeavor to get into the massage therapy business, this is his first such endeavor in that regard and I think very candidly and I don't say this in a projaritive derogatory way I think given his limited command of the English language and his naivety if you will as it relates to what was required for him to embark on this type of a commercial enterprise he was not fully apprised of what was necessary. Those issues have now been corrected. That being said I assume the Board probably has some questions with regard to the contemplative business operation and I would gladly address those now.

Mr. Crowe: I have to swear you in.

Mr. Mulhearn: Again you probably don't have to as a member of the Bar.

**SWORN IN**

**CHRISTOPHER MULHEARN  
PROVIDENCE, RI**

Mr. Crowe: I am going to start right at the beginning. What are you going to do?

Mr. Mulhearn: Cascade Spa intends to administer the following therapies, hot stone therapy.

Mr. Crowe: What is that?

Mr. Mulhearn: Massage therapy with literally hot stones placed on the skin.

Mr. Crowe: So you have hot stones placed on the individual?

Mr. Mulhearn: Yes.

Mr. Crowe: And you would have a place in there that would heat up these stones?

Mr. Mulhearn: Heated through a pot methodology or stove.

Mr. Crowe: How would somebody know they aren't being burnt or something? It doesn't require a license but I would be nervous with someone putting hot stones on me.

Mr. Mulhearn: Any type of therapy does in fact; this is a type of massage therapy hence it requires a license which has been retained from the Rhode Island Department of Health. So they're licensed to administer hot stone therapy alone with massage.

Mr. Crowe: So that person is licensed through the Rhode Island Department of Health?

Mr. Mulhearn: They are in fact licensed through the Rhode Island Department of Health.

Mr. Crowe: Does a massage therapist do hot stone therapy?

Mr. Mulhearn: Rhode Island General Laws 23-20.8 (1) defines the practice of massage. Hot stone therapy does fall within that rubric, it's a form of muscle relaxation and it can be administered hot and cold compresses and application or through lubricated and non-lubricated applications, the Statute is relatively broad, so anything you can think that would constitute some form of relaxation or massage therapy falls under the practice of massage under which umbrella a massaged therapist is licensed in the State of Rhode Island.

Mr. Crowe: So if someone took training for massage therapy they would have knowledge and worked with the hot stone therapy?

Mr. Mulhearn: Correct. That is a form of muscle relaxation as defined by statute.

Mr. Crowe: What's the next type?

Mr. Mulhearn: The next type is Reflexology which Mr. Kim can probably explain better than I can.

**SWORN IN**

**KIM, JAE K.  
222 42<sup>ND</sup> B STREET  
BAYSIDE, NEW YORK**

Mr. Crowe: This is where you are living now at this time?

Mr. Mulhearn: This is his full time residence? Yes. As I have indicated Mr. Kim operates businesses in New Jersey, Connecticut and now Rhode Island. He is also a licensed contractor in the State of Rhode Island.

Mr. Crowe: So you will explain to me the rest of the massage therapy?

Mr. Mulhearn: Reflexology.

Mr. Kim: *Inaudible*

Mr. Mulhearn: It's an application in terms of muscle relaxation with the application through a stick or wooden device for muscle relaxation. It's applied to the skin.

Mr. Crowe: So it's an ointment applied with sticks?

Mr. Mulhearn: Oil, like a massage oil.

Mr. Crowe: Okay, then you have body scrubs.

Mr. Mulhearn: Body scrubs and body wraps. Again the idea of a body scrub is really no different than a facial, removes dead skin, rejuvenates skin. And that's the nature of the services.

Mr. Crowe: Anybody else have any questions?

Ms. Kostyla: I do, at any facility is it only required to have one massage therapist oversee?

Mr. Mulhearn: Yes.

Ms. Kostyla: That complies with state law?

Ms. Soucy: Meishu Jin is going to be the only massage therapist?

Mr. Mulhearn: Correct.

Ms. DeGraide: How many employees total?

Mr. Mulhearn: There will be three full time employees; reflexologist, massage therapist and Mr. Kim's wife will act as the on-site manager.

Ms. DeGraide: In Sun Kim is that Mr. Kim's wife?

Mr. Mulhearn: Yes.

Ms. DeGraide: And she's trained in Reflexology?

Mr. Mulhearn: She is.

Ms. DeGraide: And she will be performing the service?

Mr. Mulhearn: Yes.

Ms. DeGraide: And then Meishu Jin she is the massage therapist and she can also do hot stone therapy?

Mr. Mulhearn: Correct.

Ms. DeGraide: What other services will she be performing?

Mr. Mulhearn: Massage therapy services, that will be it.

Ms. DeGraide: The third employee?

Mr. Mulhearn: It will be an employee to assist with the body scrubs and wraps again under the massage therapist's supervision.

Ms. Assalone: Where is the authority that suggests somebody other than somebody that has a license can give a massage? Are you suggesting that?

Mr. Mulhearn: No, I am not suggesting that, I am saying will assist in those types of services.

Ms. Assalone: Without a license?

Mr. Mulhearn: With the supervision of a massage therapist.

Ms. Assalone: Where does it say that in the statute that it's allowed?

Mr. Mulhearn: It doesn't say that it's not allowed either it only requires licensure or someone to administer those types of therapies so I don't think it's no different than to go into a dentist office and having either a dental assistant or hygienist administering a cleaning under the supervision of a licensed dentist.

Mr. Crowe: A dental hygienist they have school and have to pass an exam.

Mr. Mulhearn: They take a regional exam however they are also allowed to do things beyond what they are initially trained for in terms of assisting procedures oral surgeries for example, same with dental assistance that are allowed to provide assistance under the supervision of a dentist.

Mr. Crowe: By assistance and you can correct me is that you cannot perform anything on a patient; you are of the assistance of a doctor.

Mr. Mulhearn: And that's all we are suggesting would happen here.

Ms. Assalone: So when I say touching the skin according to the definition, has the Board been provided with the statutory definition?

Ms. Kostyla: Mmhmm.

Ms. Assalone: You are now saying they are just going to hand the towel?

Mr. Mulhearn: They will provide assistance in the administration of therapy, yes.

Mr. Crowe: So this person will have to be there. What's your hours of operation?

Mr. Mulhearn: The intended hours of operation will be seven days a week. Mr. Kim has proposed business hours of 9:00 a.m. to midnight.

Ms. DeGraide: That licensed person is never going to go home.

Mr. Mulhearn: I understand.

Ms. DeGraide: I have a question, he operates businesses in New Jersey and Connecticut, are those workers required to have a license for what they are to do?

Mr. Mulhearn: I don't know what the requirements are in New Jersey and Connecticut.

Mr. Kim: Required license.

Mr. Mulhearn: Both New Jersey and Connecticut?

Ms. DeGraide: So he is familiar with the fact that people with perform services like that on other persons require a license? So I am confused if he has experience in this field already then why they didn't know people performing massage therapy didn't require a license. You talk about nativity but you have successful businesses in Connecticut and New Jersey and come here...it's not Podunk here, we do require licenses also and I am baffled as to why they didn't think they needed a license here.

Mr. Peabody: There is a little more to do. Any use not specifically listed in the Ordinance requires a Special Use Permit.

Mr. D'Onofrio: Table 6-1 under Personal Business/Professional Services does say physical therapy. This doesn't fall under physical therapy?

Ms. Assalone: No, that is a totally different license.

Mr. D'Onofrio: And other health related services.

Mr. Peabody: We had the Town Solicitor look at it and it was the determination that this did not fall under that and required a Special Use permit.

Mr. D'Onofrio: Can I ask why, it's definitely health related.

Mr. Peabody: I don't know.

Mr. Mulhearn: That's the interpretation I have with regard to the Use Table as well that's why I took the position of the outset of this proceeding and I don't believe a Special Use Permit is required now that the requisite licensure has been met.

Ms. Assalone: It's the Town's Solicitors' position that it is.

Mr. Peabody: The ordinance reads "Use not specifically listed" and because it wasn't specifically listed.

Mr. D'Onofrio: It doesn't say dentist that's health services, would you deny a dentist? I am not disagreeing with the Solicitor I just want to see his reasoning on it?

Mr. Peabody: I can request that.

Ms. DeGraide: I am going back to the seven days a week 9:00 a.m. to midnight with three people on the staff and the two people that are licensed are going to be required to be there the whole time so that one other person can assist them in all of this.

Ms. Assalone: I also want to submit that if you read the statute they are the only ones can give them...

Ms. DeGraide: Yes.

Mr. Mulhearn: Mr. Kim will also be on site from time to time.

Ms. DeGraide: Does Mr. Kim have a license to perform massage therapy?

Mr. Mulhearn: I don't believe so.

Ms. DeGraide: That's irrelevant.

Mr. Mulhearn: It isn't if he may be there providing assistance.

Ms. DeGraide: No, because the only people that can touch the people are people with a license. That leaves you Meishu Jin and In Sun Kim are the only people that can touch people.

Mr. Mulhearn: Correct, and if for some reason Mr. Kim's business doesn't comply with the law, then he has a problem on his hands, as we sit here today, we have a business owner who has indicated he has a licensed massage therapist who is prepared to administer these therapies during the prescribed hours of operation.

Mr. D'Onofrio: Can I ask why to Midnight?

Mr. Kim: Hot Stone therapy.

Mr. Mulhearn: The idea would be to make available at varying times convenient with peoples respective schedules the administration of these particular therapies, massage and hot stone therapy.

Mr. D'Onofrio: Is the applicant doing this in Connecticut, New Jersey...

Mr. Mulhearn: No, this would be his first endeavor into this type of business.

Mr. D'Onofrio: It doesn't seem very profitable to be open after 8 or 9:00 p.m.

Mr. Mulhearn: If that's a risk the applicant is will to take, it's the risk the applicant is willing to take. I can't say I disagree with you.

Mr. D'Onofrio: What if we stipulate to the hours of operation would that be an issue?

Mr. Mulhearn: I certainly would have to speak to Mr. Kim, but it's certainly in this Board's discretion to do so.

Mr. D'Onofrio: Say no later than 10:00 p.m.

Mr. Crowe: Do these individuals have the license in any other locations or states?

Ms. DeGraide: Are they employed at any other locations?

Mr. Mulhearn: Both of those individuals would be employed here full-time not employed anywhere else.

Mr. Crowe: Do they have a license elsewhere?

Mr. Mulhearn: The massage therapist has a massage therapy license in the State of New Jersey.

Mr. Crowe: Does the State of New Jersey require that individual to be there?

Mr. Mulhearn: I don't know because Mr. Kim doesn't operate this type of establishment in New Jersey. He represents to this Board that the massage therapist will be employed here not anywhere else.

Mr. Crowe: Does either one of these individuals have a license with the Department of Health to do nails or any other licenses?

Mr. Mulhearn: No, and it's not the intention to offer those services at Cascade Spa.

Mr. Crowe: Why not?

Mr. Mulhearn: Mr. Kim's opening a nail salon in Middletown so I think he wants to keep the operations distinct.

Mr. D'Onofrio: These therapists, do they already have this type of experience in this type of therapy before they were licensed?

Mr. Mulhearn: Certainly the licensed massage therapist since she previously held and still holds a license in New Jersey, the answer I believe would be yes.

Mr. D'Onofrio: How long has she been doing this?

Mr. Kim: 8 years.

Ms. DeGraide: Has she been practicing anywhere else in this State?

Mr. Kim: No.

Mr. Crowe: I am going to request you give the location of where she practiced to administration and location so we can research the licensed individual. And that would go for both licenses. The other one is not a license....

Mr. Mulhearn: Sure. It's just a certification.

Mr. Crowe: Is that certification, does that individual have any other background?

Mr. Mulhearn: Mr. Kim's wife had previously administered reflexology in the State of New York.

Mr. Crowe: Again I am going to ask location be submitted to our Zoning Officer. The hours you requested are 9-12 seven days a week. What type of equipment will he be needing to perform this?

Mr. Mulhearn: Other than the hot stones I don't believe that there is any equipment...

Mr. Crowe: Medical benches or....

Mr. Mulhearn: Massage tables? Yes, the facility has already been built out as I indicated on the outset, Mr. Kim applied for a building permit which was granted by the building office, he built the commercial space out, he has passed all inspections including fire and he has received his C.O. Additionally, the commercial space has been fully furnished at this point.

Mr. D'Onofrio: Jake, if Mr. Kim came in front of us and wanted to open a physical therapy office, he hasn't hired anybody yet, he just wants to open an office, he wouldn't need to come in front of us?

Mr. Peabody: Correct.

Mr. D'Onofrio: How is that different?

Ms. Soucy: But they opened up.

Ms. Assalone: We can only speculate as to what our Town Solicitor felt was a legal decision is that physical therapist is clearly a medical service that is listed within the zoning statutes whereas massage parlor is not.

Mr. D'Onofrio: How about a place like Massage Envy, if they wanted to open could they do so without a special use permit?

Ms. Assalone: In my speculation of what our Town Solicitor....

Mr. D'Onofrio: Can we get a copy of his decision on that so that we have it?

Ms. Assalone: I don't think he gave a decision he gave an opinion and now Jake or I can seek his written opinion.

Mr. D'Onofrio: I would like to see that.

Ms. DeGraide: I have another question. When you opened how long has it been opened?

Mr. Mulhearn: It has not been open. It was open for roughly a day and the issue was raised about needing for a Special Use permit in the absence of a licensed massage therapist so it really hasn't operated.

Ms. DeGraide: Who was working there at the time?

Mr. Mulhearn: Mr. Kim's wife.

Ms. DeGraide: Was the only person there?

Mr. Kim: No (inaudible)

Mr. Mulhearn: And another individual who was going to administer body scrubs and body wraps and when the issue was raised Mr. Kim closed down and made the application.

Mr. D'Onofrio: Did Mr. Kim run any advertisement?

Mr. Mulhearn: Mr. Kim engaged a third party to advertise for the business. There was a concern raised with regard to the advertisement that was posted, very candidly again I don't mean this in a pro-jaritive derogatory way as you can see, Mr. Kim struggles with the English language I think based on what he indicated in the name of the business there was an advertisement that was run candidly was tasteless and not consistent with what was the intent of the business operation. When it was brought to Mr. Kim's attention he immediately had that advertisement removed.

Mr. D'Onofrio: Where was the advertisement?

Mr. Mulhearn: It was on some on-line service that very candidly I am embarrassed to admit.

Mr. D'Onofrio: So it wasn't the Coventry Reminder or...

Mr. Mulhearn: No, it was somewhere on-line. I don't even know what it is.

Mr. D'Onofrio: So basically they opened the doors and they ran an on-line ad, did anybody come in, any customers?

Mr. Mulhearn: (*Addressing Mr. Kim*) Were there any customers in the first day or so?

Mr. Kim: No.

Mr. Mulhearn: No, literally the business had just opened and I am sure the members of the Board are familiar with the location, it's in that very small strip mall, Gentlemen Farmer, there is a Subway, it's a little off the beaten path so to speak. I think the idea when Mr. Kim engaged a third party to run advertising envisioned something different than what actually occurred and the hope was that it would at least indicate to the community that the Cascade Spa was open.

Mr. D'Onofrio: Again for Jake, I went to physical therapy years ago, I don't know if there still there or not, there's a physical therapist there and they never came in front of us for a Special Use permit so...

Mr. Peabody: Again, a physical therapist is specifically listed under the ordinance.

Ms. Assalone: Massage parlor is not.

Mr. Peabody: It is in your opinion that they are close enough...

Mr. Crowe: Does any other members of the Board have any questions about this application?

Mr. Crowe: I am going to ask you to take a seat; I would like to hear from anybody that would like to speak on this.

**SWORN IN**

**TAMMY DUXBURY  
2 ORCHID TRAIL  
COVENTRY, RI**

Ms. Duxbury: I have a number of questions. Some of those questions were already answered. I also have some information that I would like to pass out to the Board.

***Ms. Duxbury approaches Board and submits paper copies of advertisements from "Backpage.com"***

Ms. Assalone: If you could give one to counsel as well.

Ms. Duxbury: My questions are these: Is the applicant at all related to the owner or operator of the Queen Spa in South Kingstown that was recently raided; Is the massage therapist who you have the license for who's last name of Jin related to the (inaudible) Jin age 32 who was arrested for prostitution in that raid; there was a third person also arrested in that raid that was not identified. Is the person that is running Cascade Spa, it appears to me to be the same person, the applicant that was also involved with that ad that I just passed out to you. Will business be providing table showers as one of their services? And as a resident, I am extremely concerned with what I found related to Cascade Spa which I provided you with a copy of, I am also very concerned about the hours of operation. I am concerned about exactly what you raised with supervision being provided by licensed massage therapists from 9:00 a.m. til midnight seven days a week. I don't understand how that can happen.

Mr. Crowe: I am going to take this one at a time. You just heard the concerns the individual has, if you can address....

Mr. Mulhearn: I can address each one. The first Mr. Kim has no relationship nor has he operated any spa in the State of Rhode Island, so this is the first we have ever heard of the Queen Spa in South Kingstown. He has no knowledge of it. Similarly the licensed massage therapist, Ms. Jin has not previously worked in the State of Rhode Island, in any capacity; this will be her first foray in Rhode Island. Additionally, it is not one of the offered services nor is it the intention or contemplated offered services of a so called table shower. I don't even know what that is. Mr. Kim isn't even sure.

Mr. Peabody: There are table showers in there now. It is a massage table with a shower. The hydro-treatment room? That is exactly what it is.

Mr. Mulhearn: I think we are using two different terms, so I think the idea of a table shower is not, some of these rooms can be used multipurpose so I think that that's why they have been outfitted the way that they have, but the idea of a table shower is not something that is contemplated.

Mr. Crowe: So what kind of a shower is he contemplating?

Mr. Mulhearn: There would be showers for folks at the end of the administration of therapy if some folks chose to shower they have the ability to do so because configuration of the building does not lend itself as other spas would, saunas, shower rooms things of that nature because of the limited space and the build out they tried to maximize what they could utilize the space for.

Mr. Crowe: We have a sauna in here too?

Mr. Mulhearn: There is not a sauna. As I indicated you would have a sauna or shower room in most larger spas.

Mr. Crowe: This has a shower...you said the advertisement is incorrect.

Mr. Mulhearn: The advertisement is incorrect and is not something reviewed or sanctioned by Mr. Kim.

Mr. D'Onofrio: I have to say though, he has a difficulty with the English language, this is pretty graphic.

Mr. Mulhearn: That is not something he created or approved or provided any photographs.

Mr. D'Onofrio: Can I ask who did because it says Cascade Spa on Nooseneck Hill Road.

Mr. Mulhearn: Certainly, he did engage a third party; I will identify the third party for the Board.

Ms. Soucy: He should be suing them then.

Mr. Mulhearn: Mr. Kim utilized a company called Media 3 located in the State of New Jersey, that's who was hired to do the advertisement.

Mr. Crowe: Did he use them before?

Mr. Mulhearn: No, he did not.

Mr. D'Onofrio: Looking at this layout how will three people staff that from 9-12? There's a lot of rooms there.

Mr. Mulhearn: Again, I assume that all the rooms may not be in use at any given time. That build up doesn't preclude adding additional staff if the business is successful. The idea was he was building the space, the scales of economy suggest he build the entire space out rather than just a portion of it for the time being.

Ms. DeGraide: This plan states that this a first floor plan?

Mr. Mulhearn: There is only one floor, its grade.

Mr. Crowe: I think he answered all your questions Ma'am?

Ms. Duxbury: Actually not completely because the question I asked was whether the massage therapist Meishu Jin is *related* to the (inaudible) Jin, age 32, are they a relative of one another, that's the question I asked.

Mr. Mulhearn: Mr. Kim is not aware of any relation.

Mr. Shapiro: This gentleman came into rent space for a viable purpose. We had had other people inquire about hair and nail salons but no one was willing to invest the money to do the build out to invest the money into Coventry. I personally, by doctor's care go every two weeks to massage therapy. I intend to not use the word massage parlor which lends itself be something other than what it supposedly is intended to be. As far as what you refer to as a table shower, some of the places I have been, once the oil has been applied, or whatever they are applying, they have

used a portable showerhead and hosed me down and wiped it off because I don't want it on my clothes or any place else other than on my skin. As far as the build out, he asked if he could put that many rooms in which I contended because he said he was going to increase his staff if his business provided that he had business in Coventry, where it is so I think this is his first venture here. I personally wouldn't allow, this is the first time I have seen this, I have heard about it, anything that would be illegal in Coventry because I live here. I have a restaurant there; I have a Subway and another shopping plaza up the street. I would tell the Board if anything happens, I would find out and call the police and shut them down, rent or no rent. As far as the hours go, I can see the Town adjusting them. I personally see 12 too late. When asked as to why he was starting at 9:00 he said because people get up early. I don't think it was anything that was hidden. There's windows there. I think if you want to go in, you should go in there; I spent a lot of money. There is also security for anybody that's coming, on the outside, which they can see. If he has a licensed person and you inquired about the hours, I inquired also. It doesn't mean someone's going to be working 10 hours straight. Someone may come in for an hour and they may not have a client for two hours. The oriental culture will usually sit on the floor or sit someplace and read a book or having a bowl of rice waiting for the next person come in. They are sitting with the intention to work. I think if it works to the point of being successful, that he would have to put more people in because otherwise the clients would be de-stressed because you had someone that was so tired you wouldn't get the value of therapy. If it's something illegal I will pull his lease.

Ms. DeGraide: We have one licensed massage therapist on staff, even Mrs. Kim, she has a certificate, she is not licensed to do therapy, in the State of Rhode Island you have to have a license to touch people. So you have one person with a license, covering seven days a week, 9:00 a.m. to midnight, how is that possible.

Mr. Shapiro: From my knowledge, Reflexology is an ancient, massage of the foot, where it's said different parts of the body is attached to your feet through nerves. I don't know what the licensing in Rhode Island is for that, I think there is a variance between feet and full body. I was very questionable with Mr. Kim who was working with my son through the lease as to exactly what was going to be. When I questioned the ad, I was told it was done by... he hired somebody to do an ad. The ad came out, was immediately seen by somebody I'm familiar with, phone call was made to Mr. Kim and he immediately told them to take away the ad. Of course it was questioned; I wasn't going to allow it. I won't allow and I can look at the members of the Board and tell you if anything happens that's improper, it's closed.

Ms. DeGraide: Other than renting space to Mr. Kim, are you a principal in this business?

Mr. Shapiro: No.

Ms. DeGraide: You have seen this ad?

Mr. Shapiro: I have told Mr. Kim he will be policed, if there is anything that is improper he will be evicted if it's a proven fact. I saw the ad, I am giving him the benefit of the doubt, he hired a media company and didn't know.

Ms. Duxbury: Our Town needs businesses. I too have had massages. I have had all types of things. I have never had a table shower. Every time I have had something like that you step up and go to a shower stall. Not every place is the same, I am asking you to do one thing, google table shower. Who is going to monitor the activities at this place? What you see is what I found when someone told me to google Cascade Spa. I am extremely concerned.

**SWORN IN**

**CHRISTINE DANIELS  
26 ELTON STREET  
COVENTRY, RI**

Ms. Daniels: I am just wondering, this person who is registered and has to work 96 hours a week, I know the Department of Health will have an issue with that and never mind the labor laws.

**SWORN IN**

**STACY O'GORMAN  
31 ELTON STREET  
COVENTRY, RI**

Ms. O'Gorman: I have some concerns. I have had many massages done and I have never been asked by my massage therapist if I would like to take a shower. I am very concerned there are showers in this facility. There seems to be evidence that there will be some other things going on.

Mr. Crowe: The advertisement given to us, what was the date they came for the application?

Ms. Assalone: It was after they shut them down.

Mr. Mulhearn: The date of advertisement is November 28, 2014.

Mr. Crowe: Right, but when did we build this?

Mr. Mulhearn: It was already built; the Town issued a Certificate of Occupancy.

Mr. Peabody: The building permit was issued October 14.

Mr. Crowe: So they were open within 14 days...

Mr. Mulhearn: Mr. Kim thought the Certificate of Occupancy was issued 30 days thereafter.

Mr. Crowe: So they advertised before they were even open?

Mr. Mulhearn: They did open at the end of November and that's when this advertisement ran. Mr. Kim indicated there really was no business the one day it was open.

Mr. Crowe: Was there business?

Mr. Peabody: There were two clients when we came in and additional...

Mr. Crowe: You went in there yourself?

Mr. Peabody: Yup.

Mr. Crowe: You went in and observed what?

Mr. Peabody: Two gentlemen leaving the back door as we were walking in the front.

Mr. D'Onofrio: How many employees were there?

Mr. Peabody: Three.

Mr. Crowe: Was there appropriate dress for a...

**SWORN IN**

**JACOB PEABODY  
TOWN OF COVENTRY ZONING OFFICIAL  
1675 FLAT RIVER ROAD  
COVENTRY, RI**

Mr. Peabody: Paul Sprague, myself, two police officers went to the facility, December 1; they had been opened about two days. As we came into the parking lot, two gentlemen left the back door with water bottles and left. Whether they were actually clients, I can't say for sure. We then went inside, we talked to a woman addressed as Suki, she had no i.d. we then tried to speak with two other women that couldn't speak English and didn't have any i.d.

Mr. Crowe: None of these people had i.d.s?

Mr. Peabody: No. Supposedly the manager wasn't there. First she was at Walmart, then when we finally got her on the phone she was driving back to New York. We, Suki, who said she was the cleaning woman, started going through the phone messages, there were six phone messages of people trying to set up appointments. One of the girls in the back said she contacted her boyfriend who then contacted Mr. Kim. Mr. Kim came up and only addressed himself as the contractor who re-modeled the place. When he came back in to fill out the application he stated he was the owner of the business.

Mr. Crowe: How were the individual you came across, how were they dressed?

Mr. Peabody: They had robes on; as time went on they were fully clothed. They kept basically in the backroom the whole time; we were concerned about where they would be going because they appeared to be living there. They said they had been sleeping there, they said they did not have a residence in town. Eventually Mr. Kim did show up and escorted them away.

Mr. Crowe: But there was no id's available for any of these individuals?

Mr. Peabody: No. Suki was our translator and the only one that spoke English.

Mr. Crowe: Any other questions from the Board?

Ms. DeGraide: Is there a plan to bring these employees back to the facility?

Mr. Mulhearn: Which employees?

Ms. Assalone: The ones with the robes on.

Mr. Mulhearn: No.

Mr. D'Onofrio: Who were the employees?

Mr. Mulhearn: They were friends of Mr. Kim's wife. Again it predated his knowledge that licensure was required.

Mr. D'Onofrio: Were they employees?

Mr. Mulhearn: No, they were working there but weren't employees as they weren't on the payroll, again the business had just opened.

Mr. Crowe: So I am also concerned about the past operation. Yes, ma'am.

**SWORN IN**

**NANCY SULLIVAN  
6 WHITE OAK COURT  
COVENTRY, RI**

Ms. Sullivan: One of my points is that the attorney said this is a business off the beaten path, I am not sure if he is familiar with Coventry, Route 3 is the path. Second, he said this Company Si-Soleil, Inc. d/b/a Cascade Spa is registered. I went on the Secretary of State and I don't find it registered. And also the licensing of Meishu Jin...

Mr. Crowe: Mr. Peabody will check that out and I will have that information.

Ms. DeGraide: We are going to continuing this hearing....

Mr. Crowe: I would like to have a motion to continue this hearing to next month for re-advertisement and possibly new testimony.

Mr. D'Onofrio: Second.

Mr. Crowe: Motion made and seconded all those in favor say aye?

Board: Aye.

Mr. Crowe: Nays? Ayes have it.

Mr. Crowe: Motion to adjourn.

Ms. DeGraide: Motion to Adjourn.

Ms. Soucy: Second.

Mr. Crowe: Motion made and seconded all those in favor say aye?

Board: Aye.

Mr. Crowe: Nays? Ayes have it.

Meeting adjourned at 8:45 p.m.