MINUTES

MINUTES: March 3, 2020 and March 10, 2020
Deferred to next meeting date of April 28, 2020.

PLANNING BOARD DISCUSSION:
Updates – Legislature on zoning deadlines
T.Bott – A memorandum was sent out to the Board. On the second page, Number 7. There is a suspension of all the statutory deadlines for Planning Boards eliminating constructive grants, extending existing permits and providing for e-filing of permits and applications through the duration of the emergency and 45 days after.
Essentially the clock has stopped ticking for everything that’s going on until 45 days after the end of the declaration of emergency. Under the law, the Board has the discretion to choose how much business they wish
to accomplish during the duration of the emergency. My goal is often to have an application before the Board at the earliest opportunity. If we needed to prioritize something, we would prioritize a physical project over something that was essentially going to grandfather someone’s zoning or some sort of policy discussion. We can review all applications and do our business at our previous rate. B; we can reduce the rate of applicants through you as we find sessions are too long. Or we could do no business at all until after the 45 days after the emergency. The statutory framework does give the Board more significant flexibility. This is a decision that can be made internally by the Chair and Staff or discussed among Planning Board members during a public session. If a vote is taken on a subject, please leave the language open. It will be the most flexible and avoid the need to revote if there is an abrupt change in circumstances, members, staff illness, technical issues, etc. I would venture to say that the Board would probably go with B to reduce the number of applications as we work through our technologies.

P.Kerfoot – I don’t see how we could potentially at all go at the same rate.
T.Bott – I’m here five days a week. Melinda is in two days a week and Michaela is working remotely three days a week.

*Operations of the Planning Dept under the State of Emergency*

T.Bott – We have a daily Zoom meeting where the whole staff is present to discuss ongoing projects, new business and to make sure folks know what they need to be doing. Melinda checks voicemail every hour. Anything that comes in the mail sits for 48 hours after it arrives, then we open it. There is a box in the rear of the building for applications to be dropped off. We are setting up a process for electronic submissions as well. We’re working with Town Counsel and the Clerk’s Office on that. IT is working on setting up a VPN that will allow Board members to access shared files. GIS is not working off-site right now and we are working through that.

C.Harris – Do you have any sense of whether developers and builders are going ahead at their normal pace?
T.Bott – We’ve got that opportunity to frontload something to get some work done. We are trying to prioritize things. There are a number of applications that are in now, a number that are pending that we’re working on, we’ll have a full slate of those at our next meeting on the 28th.

J.Fox – John Druley is unable to connect; both in video and audio. There are projects in the works and some are very time sensitive for developers.

P.Dreyer – This letter from Mr. Haddad does not specifically refer to Little Pond Lane by name but it could refer to the parcel number.

*Little Farm Lane Request for Bond Release*

T.Bott – We did an inspection on March 10th and he is as ready as he is going to be. They have substantially complied with the requirements of the development and recommend releasing the surety of $12,000.

**MOTION** by J.Fox/P.Harting-Barrat to release the bond for Little Farm Lane in the amount of $12,000.00.

**Roll Call Vote:**

P.Kerfoot - Yes
J.Fox - Yes
P.Harting-Barrat - Yes
C.Harris - Yes
R.Leary - Yes
P.Dreyer – Yes
J.Druley – no audio

**Voted 6-0-0**
**Determination of Access – Fender/Lewis Neck Rd**

P.Kerfoot – The roadway has been cleared to 18 feet and 13 feet overhead.

T.Bott – In February of 2019 I had my first conversation with Mr. Fender about splitting his lot. I essentially told him he didn’t have a viable path to get to that point. When the Planning Board approved a determination of access for the Falmouth Housing Trust on 11/5/19, Mr. Fender filed an ANR plan for his property hoping to for similar circumstances. I let Mr. Fender know that the circumstances were unusual and unprecedented and would not likely be repeated for this property. Town Counsel confirmed that we had not created a precedent and we could put whatever sort of conditions the Board felt appropriate at that time. Based on what we had done prior to for the Falmouth Housing Trust, I am recommending the Board consider branding a very similar determination of access for Mr. Fender so that he can get a building permit for one lot. This will allow him to put the wheel of progress in motion to improve the neighborhood, bring gas in, and put the pavement in so that he can come in front of us with an ANR plan in the future.

**MOTION** by R.Leary/P.Harting-Barrat that the Board approve the Determination of Access for one dwelling at 63 Lewis Neck Road, East Falmouth, MA; Falmouth Assessor’s Map number 40 03 001B 000B based on the conditions shown below and that any future lots created from the division of Parcel 40 03 001B 000B will require another Determination of Access that will require substantial upgrades of Lewis Neck Road including paving and drainage.

**Roll Call Vote:**
- P.Kerfoot – Yes
- P.Dreyer – Yes
- R.Leary - Yes
- J.Fox - Yes
- P.Harting-Barrat - Yes
- C.Harris - Yes
- J.Druley – no audio

**Voted 6-0-0**

**Conditions of Crowell Road**

P.Kerfoot – We had talked about doing a site visit here.

T.Bott – I spoke with Tom Bunker regarding staking the property; I have not heard back from the Osuls or from Mr. Bunker.

J.Fox – We are creating a very dangerous situation for long, dead-end roads. I would like to see it all staked out and understand it better.

C.Harris – I drove all the way down; it’s a very narrow, confusing area. I couldn’t picture any public purpose served.

P.Harting-Barrat – I am very loathed to approve this because of the length. This opens the door for everything from 500 feet to 1,200 feet.

P.Kerfoot I think maybe Tom should speak with the Osuls and tell them we would be asking for substantial paving to even think about subdividing their lot. The length and surface of the road is very disturbing.

**Future agendas for pending applications**

- Mr. Haddad’s Louie Larry covenant release – April 28th
- Determination of Access Policies – April 28th
- Non-binding recommendation for Williams Road for street acceptance – April 28th
- The Dome Definitive Plan – that can be pushed into the future
- Special Permit to add a story on Old Meetinghouse Road
- HPP Amendment – delayed; zoning is frozen
ANNOUNCEMENTS:
P.Harting-Barrat – the Affordable Housing Summit has been postponed.
P.Dreyer – Scott McGann has been doing a great job on Corona Virus announcements.

GENERAL CORRESPONDENCE: March 11, 2020 thru April 14, 2020

FUTURE AGENDA ITEMS: none

NEXT MEETING: April 28, 2020

Meeting adjourned at 4:22 PM.

Respectfully Submitted,
Paul Dreyer, Clerk/Secretary
Sheri Theroux, Recording Secretary
Draft April Calendar

Attached is the monthly calendar. You can see that there is a meeting on 4/14 and there are 4 possible items on the agenda. I will be in touch in separate emails regarding a time for that meeting as well as information you might need.

Some things that have been filed so far that we will be scheduling an upcoming meeting for are:
- 533 Woods Hole Road Definitive Plan application (Dome)
- 32 Walker St SPR for detached accessory apartment (incomplete application)
- Covenant Release Request in lieu of a bond for King Pine Way (Louis Larrey subdivision)

There are two other applications that I expect to be filed in the near future which include:
- A Special Permit application from Ament Klauer (not sure what for but assuming it might be a modification of the Hiken Way SP)
- SPR for a detached accessory apartment (not sure of the address)
To: Planning Board  
From: Thomas Bott, Town Planner 
Date: April 13, 2020  
RE: Planning Board Business Now That Town Hall Is Closed To The Public

Departmental Communication:

There is a daily morning Zoom meeting that the whole Planning Office is present for to discuss ongoing projects, old business, new business, any pertinent new information to be shared.

Phone calls:

There is a new greeting message on the voicemail main number for the Planning Office stating that staff is mostly working remoting and mainly doing communication via email and that callers can leave a message including their email address or email us directly.

Messages are checked hourly by Melinda and reported to Tom. Phone calls that are responded to directly from personal cell phones are responded to using *67 so as to keep staff’s personal phone numbers private and hidden from the public.

Emails:

All staff is connected to email for their entire workday, including the Falmouth Planning email.

Emails that come in can be and are responded to right away to let people know we received their email and with a time frame of when they might receive an answer (if need be) unless it is something that can be answered right away.

Mail:

Any mail that comes in is put aside for 48 hours before it is opened and read.
Planning Board/Board of Selectmen Joint Meeting communications

Applications:

All applications can be dropped off at Town Hall. There is a drop box located outside the entrance to the Building Department at the back of Town Hall. Except for Definitive Plan applications which under MGL Chapter 41 Section 810 the applicant can send in via certified mail in lieu of dropping off at a Planning Board meeting:

A plan shall be submitted under this section when delivered at a meeting of the board or when sent by registered mail to the planning board. If so mailed, the date of receipt shall be the date of submission of the plan.

Once applications are brought in from the drop box, they are placed in a box where they sit for 48 hours before the Planning Office opens them and reviews them.

Once an application is opened, Melinda scans materials if they have not been sent electronically by the applicant already. We have been asking applicants for electronic versions of everything if possible. The materials are then sent to PB office staff for review. A referral is sent with the materials to Town Depts for their review and comments as well.

The staff reviews the submitted plans and evaluates them per the Falmouth Zoning Bylaws to ensure the application is complete as well as making sure the application is compliance with the permit requested.

Plans are posted on the Town website for the public to view.

Definitive Plan applications are to be mailed by certified mail to the Town Clerks office.

Once Definitive Plan application are received by the Town Clerk, the Town Clerk stamps in the application and gives it to the Planning Office where it will sit for 48 hours before it is opened and reviewed.
Historical Commission Business Now That Town Hall Is Closed To The Public

Phone calls:

There is a new greeting message on the voicemail main number for the Planning Office (where HC calls come in to) stating that staff is mostly working remoting and mainly doing communication via email and that callers can leave a message including their email address or email us directly.

Messages are checked hourly by Melinda.

If it is necessary for a phone call to be returned, staff can do so on their personal phone by pressing *67 before the phone number to block their personal number from showing up on caller ID.

Emails:

Emails that come in can be and are responded to right away to let people know we received their email and with a time frame of when they might receive an answer (if need be) unless it is something that can be answered right away.

Mail:

Any mail that comes in is put aside for 48 hours before it is opened and read.

Applications:

All HC applications can be dropped off at Town Hall or submitted electronically via email. There is a drop box located outside the entrance to the Building Department at the back of Town Hall.

Once application are brought in from the drop box, they are placed in a box where they sit for 48 hours before the office staff opens them and reviews them.

Once an application is opened, Melinda scans materials if they have not been sent electronically by the applicant already. We have been asking applicants for electronic versions of everything if possible. The materials are then sent to Ed for review. He will determine whether or not an application can be done administratively or if it requires a hearing.

Plans are posted on the Town website for the public to view.
Town of Falmouth
Planning Department
59 Town Hall Square, Falmouth, MA 02540

To: Planning Board
From: Thomas Bott, Town Planner
Date: April 13, 2020

RE: Conditions of Crowell Road

Attached is a diagram from the Falmouth Engineering Division showing various portions of Crowell Road approved and improved over the years. The most recent improvements we are in front of 63 Crowell Road approved by the Planning Board in 2007 as the "Thomas Definitive Plan, 62 Crowell Road (see attached).

Each of these previous approvals were done under Subdivision Control in fact the plan submitted for the Osol’s plans are not labeled ANR plans they are labeled Preliminary Subdivision Plans. I spoke with Tom Bunker on March 12, 2020 to let him know he may receive a call from Osol’s about staking the property for a Planning Board site visit. I also forwarded Mr. Bunker the Thomas Subdivision Plan.

Those approved improvements were made inspected and confirmed in 2017. They end at the driveway at the end of 63 Crowell Rd within the 30’ ROW. The Planning Board’s decision noted those improvements are "suitable for one additional lot." "...adequate for one additional lot and will not require a 44’ wide road layout." The continued travel way is labeled 20’ wide where my vehicle is shown in the attached photo.

With the approval of the 2007 Thomas definitive subdivision plan Crowell Road is effectively a 1225 feet dead-end road (875 feet are paved, another 211 feet is a gravel road approximately the same width and the last 139 feet are crushed stone). The maximum length for a dead-end under subdivision control is 500 feet (§ 305-245Streets. D. Dead-end streets (2))

Were the board to find some public purpose to waive their Subdivision Control Regulations to extend Crowell Road to the front edge of the Osol property it would require approximately 459 feet of additional road improvements from the end of Crowell Road.

§ 305-47Waiver of requirements.
Strict compliance with the requirements of these regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

Attachments:
Falmouth Engineering Division Roadway Compilation (annotated)
Thomas Definitive Subdivision Plan 62 Crowell Road September 2007
Crowell Road Subdivision Inspection Report 1/5/17
Photo width at 64 Crowell Rd Mach 10, 2020
Preliminary Subdivision Plan prepared for Robert Osol 64 Crowell Rd Smaller T Turn Around
Falmouth Engineering Division Roadway Compliance

Plan Book 600
Page 7

Plan Book 337
Page 38

1922 TMV Private Way layout

Add 1450 sf improvement need
September 19, 2007
Mr. Michael Palmer
Town Clerk
Falmouth Town Hall
Falmouth, MA 02540

Re: Thomas Definitive Plan, 62 Crowell Road, 33 08 007 000

Dear Michael:

At its meeting of September 18, 2007 the Planning Board voted to approve the application of David Thomas under Article IV (4) - Definitive Plans - Chapter 305 Subdivision Regulations of the Town of Falmouth for a plan entitled: "Definitive Subdivision Plan Prepared for David Thomas in Falmouth," prepared by Falmouth Engineering, Inc., dated May 3, 2007, revised August 21, 2007 scale 1" = 40", along with a road plan and profile sheet dated May 3, 2007, revised September 5, 2007 with the following findings, waivers and conditions:

FINDINGS

The applicant seeks approval of a two-lot subdivision at the end of Crowell Road, 'off of Davisville Avenue. The Board finds that the proposed roadway cross-section showing a 16' wide travel surface constructed of crushed stone is suitable for one additional lot. Since the traveled surface will be constructed of a pervious material, stormwater drainage control structures will not be required. Furthermore, the 1931 lot of land over which the existing right-of-way passes is 30' in width; the Board finds this adequate for one additional lot and will not require a 44' wide road layout.

The Board finds that there is a fire hydrant within 150' of both lots and will not require the extension of the water main, per condition #2 below.

The Planning Board shall require that all utilities servicing Lot A be placed underground.

WAIVERS

No waivers from the Planning Board Rules and Regulations are hereby granted except as specified below:

§305-24.B(1) Minimum layout width of 44'
§305-24.C Minimum travel surface of 22'
§305-24.F Drainage
§305-34 Streetlights
§305-35.D Bituminous concrete laid in 2 courses
§305-37 Sidewalks
§305-40 Street trees

CONDITIONS

1. A suitable covenant or bond shall be delivered to the Board within six months of this decision or the Board may take action to rescind this approval.

2. The applicant must receive a well permit from the Falmouth Board of Health. Absent the permit, town water service will be installed in conformance with §305-31 of the Subdivision Rules and Regulations.

3. No further subdivision along the proposed way shall occur without a modification of this decision by the Falmouth Planning Board.

4. Prior to the final release of covenant or bond, the applicant shall provide an electronic version of the subdivision plan in a Portable Document File (PDF) format.

Sincerely,

[Signature]
Brian A. Currie
Town Planner

Cc: Applicant
Town of Falmouth
Department of Public Works - Engineering Division
416 Gifford Street, Falmouth, MA 02540
Office: 508-457-2543, Fax: 508-459-1537

Jim McLaughlin, P.E., Town Engineer
Jim.McLaughlin@falmouthmass.us

Memo

To: Brian Currie, AICP, Town Planner
From: Scott Schluter, P.E., Staff Engineer
CC: File
Date: 1/5/17

Re: Crowell Road Subdivision Inspection, Parcel 33 08 007 000

On December 23, 2016, the Engineering Division received a request from your office to inspect the subdivision at the end of Crowell Road for the purposes of releasing the performance bond being held for completion of road improvements. Included in the request was a letter from Attorney Laura M. Moynihan dated December 15, 2016 requesting the bond release and a copy of the performance bond and our 6/7/2011 inspection was attached. At a meeting with you on January 4, 2017, we were provided with a plan "Plan of Roadway Improvements" dated May 3, 2007, and a plan "Definitive Subdivision Plan" dated May 3, 2007 and last revised 8/21/07 to be used for this inspection.

On January 5, 2017, Engineering Division staff visited the site. We found a 16 foot wide dense grade road surface as shown in the "Cross-Section - Gravel Drive" detail found on the above mentioned plans. The improved surface runs from the end of Sunrise Estates to the new driveway at #83 Crowell Road where it blends into the existing dirt roadway. We were not present when the gravel base was rolled so we cannot attest to that part of the construction, nor how thick the dense grade layer is. Aside from a few minor potholes that are to be expected with gravel surfaces, the roadway is in good shape. We recommend that the bond be released based on our inspection.

Thanks,

Scott Schluter, P.E.
Staff Engineer
DPW Engineering Division

Vehicle is facing East. Oso's driveway is straight ahead.

01.05.2017

Rowl goes 90° to the right in front of Oso's property
666 Crowell Rd.
Town of Falmouth
Planning Department
59 Town Hall Square, Falmouth, MA 02540

To: Planning Board
From: Thomas Bott, Town Planner
Date: April 13, 2020
RE: COVID 19 Update Legislation on Zoning Deadlines

Below is Town Counsel’s summary of what is now the law under Chapter. 53 Acts of 2020

AN ACT TO ADDRESS CHALLENGES FACED BY MUNICIPALITIES AND STATE AUTHORITIES RESULTING FROM COVID-19.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are to make certain changes in law in response to a public health emergency, each of which is immediately necessary to carry out to accomplish important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

We are working with Town Counsel and the Town Clerk to ensure that we are able to continue doing business as “usual” [sic] The Law addressing municipal challenges has been signed by the Governor. The final version is attached, and includes the following provisions. For your convenience I have only pasted Section 17 of the Law that pertains to Permitting Authorities like the Planning Board, ZBA and the Historical Commission.

1. Removal of the requirement to hold Town Meeting by June 30th during a state of emergency, and ability of the moderator to repeatedly renew a 30-day recess and continuance of Town Meeting during the state of emergency declared by the governor. The Town has 10 days after the initial recess and continuance to report the reason to the AG.

2. Procedure for towns to use a 1/12th budget if the annual budget has not been adopted by June 30th during a declared emergency, a mechanism to authorize the use of free cash and undesignated funds for 2021 expenditures, permission to amortize 2020 covid-related debts over three years, and permission to use revolving funds at the same expenditure levels authorized in 2020 until a budget is adopted.

3. Suspension of time periods within which the town is required to act for options to purchase, for the duration of the emergency and 90 days thereafter.

4. Option for the BOS to extend tax deadlines to June 1, 2020, and waive interest/penalties on excise, tax, betterments, water/sewer charges, etc for late payments up to June 30, 2020. A notable amendment here is that the Town is prohibited from “terminal[ing] an essential service of a resident, including, but not limited to, water, trash collection or electricity, for nonpayment
of taxes or fees with a due date on or after March 10, 2020, made after its respective due date but before June 30, 2020, if the nonpayment resulted from a demonstrated inability to pay due to circumstances related to the outbreak of COVID-19 or the governor’s March 10, 2020 109 declaration of a state of emergency."

5. Sale of take-out wine/beer in sealed containers along with food by establishments with on-premises consumption licenses (subject to time and quantity limitations).

6. Removal of the hour-cap on state pension retirees, allowing them to work full-time, and suspension of age (but not disability) related mandatory retirement statutes, during the duration of the emergency for government or government-contractor employment.

7. Suspension of statutory deadlines for permitting boards, elimination of constructive grants, extension of existing permits, and provision for e-filing of permit applications, throughout the duration of the emergency and 45 days thereafter.

Under the Law the Board has discretion to choose how much business they want to accomplish for the duration of the emergency. Essentially the clock stops ticking for permit deadlines and doesn’t resume until 45 days after the state of emergency. The Chair and I have had a couple of conversations as to where we might need some type of triage or priority system for applications. My goal has always been to have an application before the Board at the earliest opportunity. As to how we might prioritize things, and application that involves keeping people at work on projects versus an application to freeze zoning would certainly be a priority for one example.

The Planning Board can elect to move forward with:
- reviewing all applications/business at the previous rate,
- a reduced rate of application review if it finds that technological restrictions make sessions too long/unwieldy to do a full schedule,
- or do no applications/business at all.

If the Planning Board elects to proceed “as usual” for the time being, it may choose to slow or suspend at any time in the future if members or staff become ill. The statutory framework gives the Planning Board significant flexibility to “take things how they come” and reacting to evolving circumstances.

This decision could be made internally by the Chair and staff, or discussed among Planning Board members during public session with proper notice on the agenda.

Tonight is not the night for deciding how to proceed I would like the Board to understand the circumstances of moving forward particularly with the staffing levels we currently have with Corey out for at least through May 4 and potentially longer.

If a vote on the subject is taken, keeping the language open will be the most flexible and avoid a need to re-vote if there is an abrupt change in circumstances (member/staff illness, technological problems) (i.e. “To authorize staff to determine how many matters, if any, may be feasibly heard during a scheduled meeting, in light of evolving circumstances, including but not limited to member and staff availability.”)
Update Legislation on Zoning Deadlines COVID 19

Chapter. 53 Acts of 2020

SECTION 17. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

“Permit”, a permit, variance, special permit, license, amendment, extension, or other approval issued by a permit granting authority pursuant to a statute, ordinance, bylaw, rule or regulation, whether ministerial or discretionary.

“Permit granting authority”, a local, district, county or regional official or a local, district, county or regional multi-member body that is authorized to issue a permit.

(b) Notwithstanding any general or special law, rule, regulation, charter, ordinance or by-law to the contrary, during the governor’s March 10, 2020 declaration of a state of emergency:

(i) an application for a permit shall be deemed duly filed and accepted as of the date of the filing by the applicant if filed with and certified as received by the city or town clerk if a municipality, or with the secretary or other official established by law to receive such applications if a county or regional entity. Notwithstanding the foregoing, a permit granting authority may contest the completeness of an application at the time of filing if the application is ultimately denied by the permitting board on other grounds or if the permit is ultimately appealed by the applicant. An application for a permit may be filed electronically, through an electronic submission website established by the permit granting authority or through attachment of the requisite forms and supplemental materials to electronic mail sent to the clerk, secretary or official. Certification of receipt for purposes of this paragraph may be provided electronically to the applicant and shall be provided electronically if the permit application is submitted electronically and electronic certification of receipt is requested by the applicant;

(ii) a requirement of a statute, ordinance, bylaw, rule or regulation that a hearing commence within a specific period of time after the filing of an application or request for approval of a permit shall be suspended as of March 10, 2020; provided, however, that the applicable period shall resume 45 days after the termination of the state of emergency, or by a date otherwise prescribed by law, whichever is later;

(iii) a permit in effect or existence as of March 10, 2020, including any deadlines or conditions of the permit, shall not lapse or otherwise expire and the expiration date of the permit, or time period for meeting a deadline or for performance of a condition of the permit, shall toll during the state of emergency;

(iv) no permit shall be considered granted, approved or denied, constructively or otherwise, due to a failure of the permit granting authority to act within the time required by a statute, ordinance, bylaw, rule or regulation; provided, however, that the
permit granting authority acts within 45 days of the termination of the state of emergency or by a date otherwise prescribed by law, whichever is later; provided further, that the applicant and permit granting authority may agree to alternative timing in writing;

(v) notwithstanding the time periods by which a permit is to be heard or acted upon, a permit granting authority may, by a declaration of its chair, schedule or reschedule on 1 or more occasions the hearing or decision deadlines on a permit application; provided, however, that the chair may make such declaration whether or not a quorum is present to vote on such matter; provided further, that no such date or deadline is rescheduled for more than 45 days after the termination of the state of emergency or after a date otherwise prescribed by law, whichever is later. The chair shall provide written notice of any applicable rescheduled dates or deadlines to the applicant at the applicant’s address and to the general public by posting electronically on the website of the city or town clerk or the website of the county or regional entity;

(vi) if a permit is required to be recorded with the registry of deeds or filed with registry district of the land court, as applicable, for the county or district in which the property subject to the permit is located, within a certain period of time after its issuance in order to remain in force and effect or as a condition to exercising the permit: (A) the period of time for recording the permit shall be suspended during such time that the relevant registry of deeds or registry district of the land court is closed or subject to rules and procedures restricting public in-person access; and (B) the failure to record the permit shall not preclude the permit holder from applying for, obtaining and commencing construction activities pursuant to other required permits and approvals, including, but not limited to, a building permit; provided, however, that such a building permit may be issued and, if issued, shall be considered duly issued pursuant to section 6 of chapter 40A of the General Laws; and

(vii) a hearing on a pending application for a permit opened by a permit granting authority before March 10, 2020, which has not been concluded as of March 10, 2020 or has been continued by the permit granting authority as of March 10, 2020, shall be automatically tolled and continued to the first hearing date of the permit granting authority following the termination of the state of emergency or to a date otherwise prescribed by law, whichever is later; provided, however, that the date is not later than 45 days from of the termination of the state of emergency or the date otherwise prescribed by law, whichever is later.

(c) Nothing in this section shall affect the ability of a permit granting authority, subject to applicable notice and hearing requirements, to revoke or modify a permit if that permit or the law or regulation under which the permit was issued authorizes the modification or revocation thereof; provided, however, that the permit granting authority shall not revoke or modify the permit where the permit holder fails as a
result of the state of emergency to exercise or otherwise commence work pursuant to the permit or where such work commenced on or before March 10, 2020 but has stopped as a result of the state of emergency or actions taken by an agency or political subdivision of the commonwealth in reliance thereon. The limitations set forth in this subsection shall apply as long as the state of emergency is in effect and for a period of 60 days following the termination of the state of emergency; provided, however, that a permit holder shall be entitled to a further extension of reasonable length to exercise or otherwise commence work pursuant to the permit at the discretion of the permit granting authority for good cause shown; provided further, that the chair of any permit granting authority may grant such further extension whether or not a quorum is present to vote on the matter.

(d) Notwithstanding section 20 of chapter 30A of the General Laws, a permit granting authority, during the state of emergency, may conduct meetings and public hearings remotely, consistent with the governor’s March 12, 2020 order entitled, “Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20”, as the order may be amended, supplemented or replaced.

(e) Nothing in this section shall preclude or prohibit a permit granting authority from issuing decisions on permit applications for which duly held public hearings or meetings have been held or preclude or prohibit any building commissioner, inspector of buildings or other permit granting official, as applicable, from issuing permits, including, but not limited to, demolition or building permits.

(f) Notwithstanding any general or special law to the contrary and without limiting the foregoing, this section shall apply to the conduct of public meetings, public hearings or other actions taken in a quasi-judicial capacity by all local boards and commissions.