

ATTORNEY BIOGRAPHY



Brian R. Falk

Partner

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Legal Administrative Assistant

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Practice Group(s) and Specialty Area(s)

Public and Municipal Law

Land Use Permitting

Real Estate and Environmental Law

Cannabis Industry Group

Brian is a partner in the Firm's Public and Municipal Law Group and Real Estate and Environmental Law Group. Brian also leads Mirick O'Connell's Cannabis Industry Group.

In his municipal practice, Brian counsels towns, cities, and districts in all areas of municipal law, including home rule, zoning, real estate, elections, finance, taxation, procurement, public construction, and general governance. Brian advises local officials on compliance with the Open Meeting Law, Public Records Law, and Conflict of Interest Law, and has extensive experience drafting town meeting warrants, bylaws, ordinances, and special legislation.

In his private sector practice, Brian represents applicants in land use permitting matters in Marlborough, Worcester, and communities throughout Massachusetts. He regularly appears before municipal boards seeking special permits, variances, licenses, zoning amendments, and other local approvals for large projects and complicated sites.

In 2014, 2015, and 2016, Brian was named a Massachusetts "Rising Star" by *Boston* magazine and *Law & Politics*. Brian previously served on the Milford Zoning Board of Appeals.

Representative Matters

- Provides Town Counsel services to eleven Massachusetts communities and provides special counsel and land use counsel services to several towns, cities, and districts.
- Represents applicants on large projects and complicated sites in Marlborough, Worcester, and communities throughout Massachusetts.
- Represented a national developer on land use permits for a 276-unit mixed residential/commercial building on a redevelopment site with rail trail access and affordable units.
- Represented a regional developer to create an overlay zoning district and obtain land use permits for a 950-unit high-end apartment community with 50% open space, nature trails, and affordable units.
- Represented a regional developer to obtain an overlay zoning amendment and land use permits for a large hospitality, entertainment, and retail center.
- Represented a hospital to obtain land use permits for a state-of-the-art women's imaging center.
- Represented boutique developers on land use permits for mixed residential/commercial downtown buildings on redevelopment sites.
- Represented a large cannabis operator to secure a special permit for a community's first cannabis retail store.

Education

JD, Boston College Law School

BS, *cum laude*, State University of New York at Geneseo

Bar and Court Admissions

Massachusetts

Professional/Community Affiliations

Milford Area Chamber of Commerce, former Board member

Massachusetts Municipal Lawyers Association

Worcester County Bar Association, Government Relations Committee, Municipal Law Section

Massachusetts Bar Association

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Publications/Presentations

- [“Supreme Court Decision Addresses When Government Officials May Block Social Media Users,”](#) Mirick O’Connell Client Alert, March 19, 2024
- Quoted in “Council gets a look at the Armory at French Hill project,” *Community Advocate*, September 4, 2023
- Quoted in “Historic Elm Street Hogg House one step closer to becoming lodging house for WPI students,” *Worcester Telegram & Gazette*, August 10, 2023
- [“Remote Public Meetings Extended Through March 31, 2025,”](#) Mirick O’Connell Client Alert, March 31, 2023
- [“SJC Finds Public Meeting Comment Restrictions Unconstitutional,”](#) Mirick O’Connell Client Alert, March 10, 2023
- Quoted in “Home field advantage: Local attorneys smooth the path for developers,” *Worcester Business Journal*, January 23, 2023
- “Remote Public Meetings Extended Through March 31, 2023,” Mirick O’Connell Client Alert, July 19, 2022
- [“AG Issues Guidance on Gun Licensing Following Supreme Court Decision,”](#) Mirick O’Connell Client Alert, July 18, 2022
- [“Remote Public Meetings Authorized Through July 15, 2022,”](#) Mirick O’Connell Client Alert, February 22, 2022
- [“Remote Public Meetings Authorized Through April of 2022,”](#) Mirick O’Connell Client Alert, June 18, 2021
- [“Remote Public Meetings Authorized Through April of 2022; New Law Extends Additional COVID-19 Emergency Rules,”](#) Mirick O’Connell Client Alert, June 18, 2021
- [“New Gatherings and Capacity Restrictions Effective December 26; SJC Upholds Governor’s Authority to Issue COVID-19 Orders,”](#) Mirick O’Connell Client Alert, December 23, 2020
- [“Municipal Permitting Timelines Resume on December 1,”](#) Mirick O’Connell Client Alert, November 20, 2020
- [“Governor Updates Restrictions on Gathering, Masks, and Business Hours,”](#) Mirick O’Connell Client Alert, November 4, 2020
- [“Governor Updates Restrictions on Gatherings and Restaurants,”](#) Mirick O’Connell Client Alert, August 11, 2020
- [“New Municipal Relief Act has Important Provisions for School District Service Contracts and Emergency Educator Licensing,”](#) Mirick O’Connell Client Alert, June 18, 2020
- [“Quorum at Town Meeting may be Reduced During State of Emergency,”](#) Mirick O’Connell Client Alert, June 9 2020
- [“Municipalities May Allow Outdoor Dining for Restaurants During COVID-19 Re-Opening,”](#) Mirick O’Connell Client Alert, June 2, 2020
- [“Local Government During COVID-19,”](#) *On Air with Mirick O’Connell* legal podcast (April 10, 2020)
- [“New Municipal Relief Bill Extends Town Budget Season, Tolls Land Use Permitting Deadline, and Authorizes Take-Out Beer and Wine Sales,”](#) Mirick O’Connell Client Alert, April 3, 2020
- [“Extended Closure due to COVID-19 Raises Multiple Issues for Schools,”](#) Mirick O’Connell Client Alert, March 30, 2020
- [“COVID-19 Legislation: Election Postponement Bill Enacted, and Governor Files Bill on Municipal Permitting and Tax Deadlines,”](#) Mirick O’Connell Client Alert, March 24, 2020
- [“Governor Files Bill to Help Delay Town Meeting Season During COVID-19 Emergency,”](#) Mirick O’Connell Client Alert, March 17, 2020
- [“Executive Order Loosens Open Meeting Law Requirements During Coronavirus Emergency,”](#) Mirick O’Connell Client Alert, March 13, 2020
- [“Building the Boroughs: A Year in Review,”](#) Mirick O’Connell’s Real Estate, Environmental and Construction Law Blog, January 31, 2020
- Quoted in “Ruling underscores power of ‘host community agreements’ over pot retailers,” *Massachusetts Lawyers Weekly*, January 2, 2020
- “Table of Experts: The Business of Cannabis,” *Boston Business Journal* (October 11, 2019) (panelist)
- [“Short-Term Rental Law Takes Effect July 1st,”](#) Mirick O’Connell’s Real Estate, Environmental and Construction Law Blog, January 18, 2019
- Quoted in “Abutters’ appeal a first under Chapter 43S for DALA,” *Massachusetts Lawyers Weekly*, April 7, 2016
- [“ATB: Solar Energy Systems Exempt from Property Taxes,”](#) Mirick O’Connell’s Real Estate, Environmental and Construction Law Blog, December 9, 2014
- [“SJC: Private Forest Land Eligible for Tax Exemption,”](#) Mirick O’Connell’s Real Estate, Environmental and Construction Law Blog, May 15, 2014
- [“MAPC: Region Needs 435,000 New Housing Units by 2040,”](#) Mirick O’Connell’s Real Estate, Environmental and Construction Law Blog, January 16, 2014
- [“SJC to Rule on Tax Status of Forest Land,”](#) Mirick O’Connell’s Real Estate, Environmental and Construction Law Blog, January 10, 2014
- “Getting Ready for a Brighter Economic Development Forecast in 2014,” *Municipal Advocate*, Vol. 24, No. 4, 2014 (co-author)
- [“CPA Grants to Churches Raise Constitutional Questions,”](#) Mirick O’Connell’s Real Estate, Environmental and Construction Law Blog, July 18, 2013

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Publications/Presentations

- “[Towns Can’t Ban Marijuana Shops; Zoning Moratoria OK](#),” Mirick O’Connell’s Real Estate, Environmental and Construction Law Blog, March 18, 2013
- “[Pending Legislation Would Dramatically Reform Massachusetts Land Use Law](#),” Mirick O’Connell’s Real Estate, Environmental and Construction Law Blog, February 19, 2013
- “[Communities Taking preemptive Strikes Against Marijuana Shops](#),” Mirick O’Connell’s Real Estate, Environmental and Construction Law Blog, January 8, 2013