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PLYMOUTH ZONING BOARD OF APPEALS: Dry cask storage permit decision headed to court

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A group of concerned residents of Plymouth and neighboring communities has filed an appeal of the Zoning Board of Appeals' decision to allow Entergy to proceed without a special permit.

The special permit process would have allowed for public participation and the potential imposition of conditions on the project.

This will be the third venue in which this issue has been argued.

Earlier this summer, Building Inspector Paul McAuliffe, after consulting with the town's lawyers, issued Entergy a building permit for the project.

When that decision was challenged by a group of 18 residents, the appeal was argued before the Zoning Board of Appeals and the ZBA voted, 3-2, to uphold McAuliffe's decision.

This second appeal has been filed with the Massachusetts Land Court.

Word of the appeal came from attorney Meg Sheehan, of EcoLaw, during the public comment portion of Tuesday's meeting of the Board of Selectmen.

Sheehan told selectmen the appeal is an opportunity for the board to choose a side in this issue.

The grounds of the appeal are similar to the ones cited by the plaintiffs at last month's ZBA hearing – that Plymouth's bylaws do not allow the construction of the dry cask storage facility without a new or amended special permit.

There are three basic goals of the appeal: for the Land Court to issue an order annulling the decision of the ZBA; that the matter be sent back to the ZBA with an order requiring Entergy to obtain a special permit under the Light Industrial District regulations; and that the court order Entergy to cease any work on the dry cask project until the appeal has been resolved.

According to Attorney Genevieve Byrne, who is acting on behalf of the appellants, the appeal also seeks an order from the court that any "understanding" between the town and Entergy that zoning permits relating to Pilgrim will be automatically issued, rather than forwarded to the ZBA for a hearing, is contrary to the requirements of the bylaw, and that both the director of inspectional services and the ZBA must adhere to bylaw requirements when issuing zoning and building permits in general.

The issue has been put on the fast track in Land Court and could be heard before the end of the year.

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