

ENFORCEMENT HISTORY OF THE “FIELD OF SCREAMS” VIOLATION

- October 23, 2019 - a Notice of Violation (NOV) was issued via email to the Director of OBGC when aerial imagery revealed the presence of numerous structures in the easement. The email provided notice to OBGC that a site inspection would be conducted on October 25, 2019. The NOV required that the OBGC Director schedule and attend a meeting with Planning Department staff by December 1, 2019.
- On October 25, 2019 - Forest Conservation Inspector Michael Sharp and Josh Kaye, MNCPPC Program Manager, performed an on-site inspection of the easement to quantify the encroachments. An inspection that revealed more than 25 structures related to commercial fundraising activities had been erected in the protected forest, wetland, and stream buffer areas. Per the terms of the Easement Agreement recorded at 41834/369, violations of restrictions numbered 2, 3, 6a – 6e, 7, and 10 were found.
- November 12, 2019 - After receiving no reply to the email of 10/19, the NOV was sent with a cover letter on, via US Mail, to the Post Office Box given on the OBGC website.
- December 3, 2019 - the requirements of the NOV were satisfied when the Director and other Board members representing OBGC met with MNCPPC staff. OBGC claimed to have received permission from Planning staff to utilize the easement for fundraising activities and were given a month to provide evidence to support the claim.
- January 6, 2020 - OBGC provided three documents to support their claims. M-NCPPC staff reviewed the documents provided (all from 2002 – 2003) and determined that they were insufficient to support OBGC’s claims.
- January 23, 2020 – A Corrective Action Order was issued to OBGC providing two options for resolving the violation. 1) Cease unlawful activities and restore the easement to natural conditions or 2) Apply for an Amendment to Forest Conservation Plan #119900410 and Special Exception Plan #S-2385 that will permit OBGC’s desired uses of the property.
- On January 29, 2020 Lucian Romano, OBGC Chairman of the Board, notified the Planning Department of the OBGC Board’s intentions to pursue Option 2 of the Order.
- July 23, 2020 – Notice of Non-Compliance issued to OBGC Director. No applications for amendment had been received, so Option 1 of the Order dated January 23, 2020 would be enforced by default. As stated, “Cease unlawful activities and restore protected areas to natural conditions” by December 31, 2020.
- Late July - early September 2020 - Negotiations between OBGC and Planning staff about amendment strategies likely to be acceptable to M-NCPPC. Ultimately staff agreed to consider a proposal to excise from the easement only the areas where structures had been built, a.k.a. the “swiss cheese” method, rather than a more inclusive polygon containing the entire event venue.