

Hamilton Police Department Incident Report

Page: 1 10/18/2024

Incident #: 24HAM-426-OF

Call #: 24-16120



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Date/Time Reported: 10/02/2024 1342
Report Date/Time: 10/12/2024 1344
Status: Incident Closed
Reason Closed: No more leads

Reporting Officer: Sergeant Joe Achadinha

Signature:

SUSPECT(S) SEX RACE AGE SSN PHONE

BANDAR, DANY E

126 LOTHROP ST BEVERLY MA 01915

Military Active Duty: N

BODY: NOT AVAIL.

DOB: 10/12/1968

LICENSE NUMBER: ****************

COMPLEXION: NOT AVAIL.

PLACE OF BIRTH: NOT AVAIL.

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ETHNICITY: NOT HISPANIC

Zone: Hamilton East Side

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OFFENSE (S) ATTEMPTED TYPE

LOCATION TYPE: Field/Woods

VACANT LOT 185 BRIDGE ST

HAMILTON MA 01982

TOWN BY-LAW

H93

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OCCURRED: 05/23/2024

N

Misdemeanor

1200

Hamilton Police Department NARRATIVE FOR SERGEANT JOE P ACHADINHA

Ref: 24HAM-426-OF

On September 30, 2024 I sat down with Lee Mccoy, who is the Chair for the Hamilton Conservation Commission, and Kristan Farr, who is the administrator for the Conservation Commission. The concern relayed to me surrounded the property located at 185 Bridge Street (Lot # 9) in Hamilton, which is currently under construction for a single house development. Since construction has started at this location, the land has been cleared and disturbed and one of the outcomes has been storm water and sediment have traveled onto protected wetlands. According to documents and observed infractions, the violation is described as "fine sediments are washing off this construction site, flowing into a stream, and then into the Miles River on Town of Hamilton land. In March of 2023, an Enforcement Order was issued to Bandar Development & Builders (Owner: Dany Bandar) notifying the company of what needed to be done in order to be in compliance and continue on with the project. It appears in May of 2023 the Conservation Commission notified Dany Bandar that improvements made to the property were "deemed successful" and the project could continue. However, in August of 2023, additional storms led to more sedimentation into the Miles River marshes and the property needed more mitigation to prevent future violations.

In addition to 185 Bridge St (Lot #9), there were 2 other lots that were contributing to the previous mentioned sedimentation from storms leaking into the Miles River. Both of these lots (161 Bridge St Lot # 6 and 181 Bridge Street Lot #8) were also notified and given Enforcement Orders; however, both of these lots were able to come into compliance and remain in compliance within a reasonable period of time. In May of 2024, an updated Enforcement Order was issued to 185 Bridge Street (Lot # 9) where the erosion controls for the property were deemed inadequate and the wetlands had been re-impacted by the ongoing sediment from this property. The Order listed the new requirements and what needed to be done in order to gain compliance and continue on with the project while protecting the wetlands. It was at this point that the property owner (Bandar) neglected the Enforcement Order and was not meeting the requirements listed in the Order. In July of 2024, Town of Hamilton Violation notices began being issued to Bandar for failing to comply with an official Enforcement Order from the Hamilton Conservation Commission. These citations continued until September of 2024 and ranged in fines from \$100 per violation up to \$300 per violation. A total of 19 citations were issued and mailed to either Bandar directly or at his request, to his attorney's office via certified mail. The total amount of fines equaled \$4,700.00 dollars and all of these citations remained unpaid at this time. It was at this point the Conservation Commission was seeking a criminal complaint be issued as Bandar has neither paid the fines nor requested a hearing on any of the citations.

After hearing the concerns of the Conservation Commission and reviewing all of the documentation provided to me regarding this matter, I decided to reach out to Mark Arnold on October 1st to gather more information. Arnold is a Wetland Engineer and was hired to oversee the erosion plan for 185 Bridge Street (Lot # 9). It should be noted that Arnold also saw the erosion controls for the other two properties listed earlier and he was able to get those properties into compliance. Arnold stated to me that he is aware of the Enforcement Order and that they are currently working on all of the corrections that have been mentioned in the Order. Arnold admitted that the process has been "slower" for this property but there has been no damage done to the wetlands since the Order was issued in May of 2024. Arnold stated that there is definitely a "threat" to wetlands but the dry season/weather has helped control any violations to the wetlands. Arnold stated that they continue to work on gaining compliance and felt there were not far off from that point.

After speaking with Arnold, I reached out to John O'Brien, who is Bandar's attorney. John explained to me how the property sits next to the Gordon Conwell Seminary and all of the water run off from the Seminary ends up at 185 Bridge Street. This creates extra water, which makes erosion controls even more challenging. John

Page: 1

Hamilton Police Department NARRATIVE FOR SERGEANT JOE P ACHADINHA

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also noted that the other two properties were able to come into compliance quicker because they did not have to deal with the excess water from the Seminary. John also pointed out that there has been no known damage to any wetlands since the new order went into effect in May of 2024. John emphasized that the property is actively being worked on and felt they would be in compliance and meet all of the Enforcement Order mandates by the end of next week (October 11).

On October 6th, I received an email from Lee advising me that 185 Bridge Street was now under compliance. I followed up with a conversation with Mark Arnold on October 18th and he too confirmed the property has been and plans on meeting all of the requests issued by the Enforcement Order. Since the property is now under compliance, no further action is being taken at this time by the Hamilton Police Department.

Joe Achadinha

** Portions of this report have been redacted **

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CITATION NO. MO0541

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TOWN OF HAMILTON VIOLATION NOTICE

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TOWN OF HAMILTON VIOLATION NOTICE

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