

119 Dudley Road – Carmine Pompeo

Collapsed retaining wall

1 PROBLEM

A retaining wall at 119 Dudley Road facing Dudley Pond has collapsed. Town boards and departments promptly helped Mr. Pompeo in 2013 but a later survey shows the wall may be beyond his property line. The wall was 12' high and was close to the Pompeo home. Erosion poses risk to the property, the residents, and to Dudley Pond. Town departments cannot act with the wall appearing to be on town property. Recreation has the care and custody of Dudley Pond.

2 HISTORY

- When Carmine Pompeo bought the property in 1955 there was a timber wall just behind the now-failed wall.
- In 1979 he got proper permits and built a replacement wall with DEQE approval.
- In fall of 2013 the wall collapsed. The town was helpful, contractor was authorized to move rubble.
- Conservation granted Order of Conditions DEP 322-810 on 9/9/2013, required a surveyed plot plan.
- The plot plan showed Pompeo property ended just before wall – so construction couldn't proceed. Wayland owns Dudley Pond, so the wall *may* be on a sliver of town land. All other lots on Dudley Pond extend to the shore – 119 is either a historical survey error, or land-filling prior to Pompeo purchase.
- Conservation's Order of Conditions must have land owner permission and Building Department can issue permits to work only with owner approval.

3 PUBLIC INTERESTS

- Reconstruction of the wall will prevent erosion and concrete debris from entering Dudley Pond.
- The construction site itself is a risk to anyone accessing it by the water. To the extent it is a hazard on town land, the town has an interest in facilitating reconstruction.
- To the extent the wall and exposed bank is on town land, enabling reconstruction removes a potential liability to the Pompeos and their home.
- Carmine is 90 and he looks after his invalid wife Anna. Their children are deceased. The town has a responsibility to assist its elders who've faithfully paid taxes for many years, demanding little of the town.

4 SUGGESTED RESOLUTION

- To the extent it is on town land, grant the Pompeos the right to reconstruct the wall where it stood, and advise the Building Department – via a license issued by Recreation, the controlling board for Dudley Pond.
- Advise the Conservation Commission that to the extent the town is an owner of land where the project will take place, the town may be listed as a co-owner under Order of Conditions DEP 322-810.
- If further research reveals that the wall *is* on town property, the Pompeos are ready to negotiate a price for the slice of land between the back of their lot line to the shore of Dudley Pond to be conveyed at a future Town Meeting.



*Carmine Pompeo, between the line of the collapsed wall at the right and Dudley Pond on the left.
Corner section of old wall visible in the background, in the trees.*