

ENFORCEMENT REPORT ENVIRONMENTAL PROTECTION BOARD

Date: November 12, 2024

Location: 233 Wire Mill Road

Owner: Carol A. Terenzio

Watershed: Rippowam River

Account: 001-7910

Flood Map: 09001C0506F (6/18/2010)

Flood Zone: AE~112.8 with Floodway and Zone X

Area: 0.71 acres

Map/Block/Lot: 76/378/3

References

- GIS aerial image of 233 Wire Mill Road
- Plan entitled “Cedar Heights Road – Lot No.3” prepared by Edward J. Frattaroli, Inc. – dated December 21, 1998.

Unauthorized Regulated Activities

Construction of retaining walls in a FEMA-designated regulatory Floodway and Floodplain, wetland/watercourse upland review area, and possibly in wetlands along the Rippowam River behind the 233 Wire Mill Road residence.

Property Description

233 Wire Mill Road is developed with a single-family residence and driveway. As shown on the attached GIS aerial image, the property slopes from north to the Rippowam River along the southern property line. The entire property is in the FEMA AE flood zone with a base flood elevation of about 112.8 feet. As shown on the GIS image, most of the property is also in the FEMA-designated regulatory Floodway.

Issues/Discussion/Recommendation

In late October 2024, staff received a report that walls had been built along the Rippowam River behind the residence at 233 Wire Mill Road, and staff were able to observe these walls while conducting inspections of the Cedar Heights Road bridge project on October 22 and 23.

The Stop Work Order sent to the property owner Carol Terenzio on October 23rd informed her that due to the location of these walls adjacent to the river and in the floodplain/floodway, these walls had been constructed in violation of both the Inland Wetlands and Watercourses Regulations and the Flood Prone Area Regulations. Staff got a closer look at the walls on November 4th while responding to a report that leaves were being blown into the water from a property on the opposite side of the river from the subject property. As shown in the photograph below, there are two tiered retaining walls that run from the boulder wall along the south side of the house and motor court to the northeast boundary of the property. A portion of the upper wall appears to be over three feet in height, which would also require an engineered plan and building permit to construct.



Staff spoke with Victor Terenzio several times following the Terenzios' receipt of the Stop Work Order, explained the violations, and emphasized that several sections of the Flood Prone Area Regulations have particular relevance to this situation and require complex, professionally developed compliance certifications – i.e., the Equal Conveyance, Compensatory Storage, and Provisions Applicable to Designated Regulatory Floodways sections¹. Staff also reminded Mr. Terenzio that in 1998 the EPB had required the Terenzios to remove an unauthorized in-ground pool and retaining wall that had been built in substantially the same location where the two new walls were built, as shown on the Edward J. Frattaroli survey that accompanies this report.

¹ 9.B.4.a.(7) No Increase in the Base Flood Elevation (Equal Conveyance)

Within the floodplain as designated on the Flood Insurance Rate Map (FIRM), encroachments resulting from filling, new construction or Substantial Renovations or Alterations involving an increase in footprint of the Structure, are prohibited unless the applicant provides certification by a licensed professional engineer registered in the State of Connecticut demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in the water surface elevation of the base flood, as defined in the Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated July 8, 2013. Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity. The requirements of this paragraph shall not apply to encroachments within those areas of the floodplain which are tidally influenced.

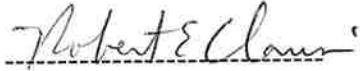
9.B.4.a.(8) Compensatory Storage

The water holding capacity of the floodplain, as designated on the Flood Insurance Rate Map (FIRM), shall not be reduced, based on the floodplain capacity in existence as of the date of the hydrologic and hydraulic analyses used to determine the applicable base flood elevation, as cited in the report entitled "Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated July 8, 2013. Any reduction caused by filling, new construction or Substantial Renovations or Alterations involving an increase in footprint to the Structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal or greater than to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality. The requirements of this paragraph shall not apply within those areas of the floodplain which are tidally influenced.

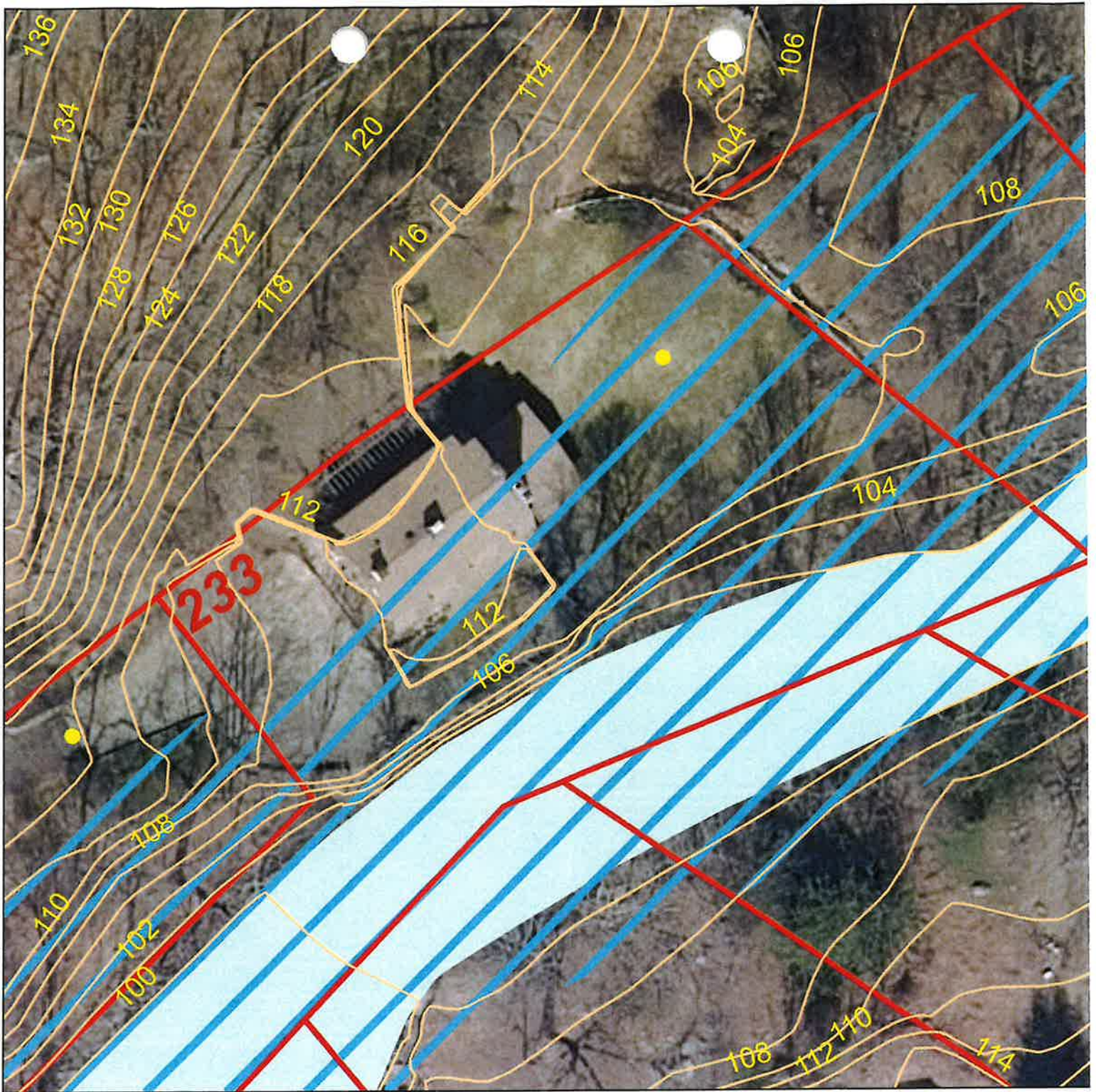
9.B.4.b. Provisions Applicable to Designated Regulatory Floodways

In all designated regulatory floodways, the following special standards shall apply, in addition to the requirements of Subsection 9.B.4.a above: (1) Encroachments. Encroachments (including filling, new construction, Substantial Renovations or Alterations and other Development within the adopted regulatory floodway) that would result in any (0.00 ft.) increase in flood levels during the occurrence of the base flood discharge shall be prohibited. The provision of proof that there shall be no (0.00 ft.) increase in flood levels during occurrence of the base flood discharge due to the proposed construction or encroachment shall be the responsibility of the applicant and shall be based on hydrologic and hydraulic studies, performed in accordance with standard engineering practice, and certification, with supporting technical data, by a Connecticut Registered Professional Engineer.

Staff recommend the Board maintain the Cease and Desist Order, file and maintain a Notice of Violation on the Land Records until the site has been restored given the repeat nature of this violation, and require the Terenzios to submit a restoration plan prepared by a professional engineer and/or land surveyor for reestablishment of the bank to its previous condition by removal of the walls and fill, and stabilization of the slope. A deadline for submission of this plan (e.g., January 12, 2025) should be set to help insure the timely resolution of this matter.

A handwritten signature in cursive script, reading "Robert E. Clausi", written over a horizontal dashed line.

Robert E. Clausi



Legend

-  Parcels
-  Floodway

233 Wire Mill Road

The information displayed on this map is for general reference only.
The data is not survey accurate. The City of Stamford assumes no legal
responsibility for the information contained herein.
Map printed 11/4/2024, City of Stamford.

0 15 30 60 Feet

