



TOWN OF WINCHESTER – CITY OF WINDSTED CLERK'S OFFICE

Town Hall – 338 Main Street
WINSTED, CONNECTICUT 06098

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CLERK'S OFFICE

JUN 23 2010

SHEILA S. SEDLACK
TOWN CLERK OF WINCHESTER
WINSTED, CONN.

*Minutes of the Regular Meeting
Inland Wetlands and Watercourses Commission
June 16, 2010*

The Inland Wetlands Commission met in the P. Francis Hicks Room. Call to order was made by Chairman Chris Waring at 7:02 p.m. The following members answered roll call: Chairman Chris Waring, Chris Kiely, Stephen Molinelli, Brian O'Heron, Susan Peacock, Jonathon Reinert, James Rollins, Jr. and Scott Eisenlohr, Wetlands Agent. Ric Nalette was not present and Robert Haburey was absent.

Chairman Waring welcomed Susan Peacock back as a member of the Inland Wetlands Commission.

Item 3. Approval of Minutes

Motion by J. Rollins to *approve* the minutes of May 19, 2010. Second by C. Kiely. Vote: All in favor except S. Peacock (abstained) – motion carried.

Item 4. Agenda Review – S. Eisenlohr added Review of Section 162 to Other Business.

Commissioner Ric Nalette arrived at 7:05 p.m.; asked if minutes of 5/19/10 had already been addressed; said he did not abstain from the vote on the minutes of the prior meeting.

Item 5. Election of Officers: Chairman Waring reminded attendees the positions of Chairman & Vice-Chairman were filled last month and the nomination of Secretary was tabled to this month. J. Rollins **nominated Susan Peacock to the position of Secretary.** Second by R. Nalette. *Discussion:* Discussion followed regarding secretarial duties. *Call for nominations made two (2) additional times.* Vote: all in favor except S. Peacock (abstained) – motion carried.

Item 6. Old Business

A. Application #IW10-05, 212 East Wakefield Boulevard, proposal to repair existing dock, application of Brian Zadrozny, Map 114, Block 105B, Lots 146-148, Zone HLD. Chairman Waring read a letter from the applicant requesting withdrawal. S. Eisenlohr asked if the applicant's fees could be refunded as nothing was really addressed on this application. Discussion followed regarding allowing it would be setting a precedence. **Motion by J. Rollins to accept the withdrawal.** Second by R. Nalette. *Discussion:* regarding adding refunding the fees to the motion. Most commissioners agreed. Vote: all in favor except R. Nalette (opposed) and S. Peacock (abstained) – motion carried.

B. Application #IW10-07 - moved to later on the agenda since the applicant is not present.

C. Application #IW05-20, West Road, proposal for site plan modification - relocate main house to area adjacent to existing driveway, move main house septic away from lake, downsize former main house and septic to 3-bedroom guest house for Rian Dartwell, Map 19, Block 156, Lot 23-2B, Zone RU-3. Ken Hrica, PE, representing the applicant, reviewed the proposal, hope Commissioners got a chance to look at the property last month. J. Rollins asked what activity is in the regulated area. Mr. Hrica said construction of a portion of the main house and a portion of the detached garage; noted there is some wetlands crossing for relocating the pump sewer line for moving effluent up to the knoll away from the lake by digging along the driveway in an area already disturbed; leaving 40'-50' buffer. J. Rollins asked about the 50' area of no disturbance around the Lake. Mr. Hrica said the State owns 50' around most of the lake; this property has much that is not owned by the State; explained the details. J. Rollins verified not going to cross the wetlands. Mr. Hrica said all the crossings have already been constructed; the primary septic is no longer in the regulated area adjacent to the lake; been moved far away; there are 2 wetlands systems which run parallel to the septic systems; approximately 1,000'

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from the lake now; also reduced the size of the system for the guest house. J. Rollins said some Towns have qualifications for the number of houses on 1 piece of property. Mr. Hrica said Winchester does not. R. Nalette asked what's preventing you from locating the house on the other side of the driveway. Mr. Hrica said it would be closer to the wetland and the soil is fairly marginal; the proposed location is higher and drier; other side is not classified as wetland but marginal; proposed location allows a footing drain so can have a dry basement. J. Rollins asked if the footing drain discharges on the lake side or wetlands side. Mr. Hrica said the lake side; noted the water is pretty much crystal clear and non-erosive. S. Peacock verified the sewer line follows the roadbed; asked the diameter of the line. Mr. Hrica said 2" – needs to be small to keep the size of the pump down. J. Rollins asked about the utility trench. Mr. Hrica said it's already in on the opposite side of driveway. J. Rollins verified originally proposed 1 house. Mr. Hrica said his client has 128 acres; preservation but also able to have a family compound within reason without selling lots. J. Rollins said a lot of it makes sense but it was originally marketed as two houses not three. R. Nalette asked about the topography to the left of the guest house. Mr. Hrica said it's pretty much all uphill; indicated a lower area of wetland pocket. R. Nalette verified the red line is the property line; noted the adjacent property looks steep. Mr. Hrica said it's not incredibly steep from the lake; indicated an area where it gets steeper. R. Nalette explained his concerns 50 years down the line when the Dartnell's have passed and their children want to sub-divide it. Mr. Hrica explained Mr. Pomerance created severe deed restrictions regarding the number of times the lot could be subdivided; can be 2 more times but to have no frontage on the lake. J. Rollins verified 2 more houses satisfies the deed restriction and the Town has no restriction on the number of structures. S. Peacock asked if there are plans for landscaping by the water. Mr. Hrica explained it's pretty clear now; no plans to plant as the trees have very few lower branches. S. Peacock asked if there was any plan to utilize the water – put in docks. Mr. Hrica said not at this point. S. Peacock asked if there is any decking on the house. Mr. Hrica explained the plans have a box which would encase a specific square footage; applicant will have architect design a house to fit within the 50' X 80' box. S. Peacock asked what the driveway surface is. Mr. Hrica said gravel. J. Rollins said that looks like a tight area. Mr. Hrica said his client is not looking for a vast lawn. J. Rollins asked what he will be doing with materials. Mr. Hrica explained the stockpiling locations. J. Rollins verified won't be encroaching on wetlands areas. Mr. Hrica said he can show silt fencing. Chairman Waring noted this was an application to modify an existing application. Brief discussion followed regarding conditions on the original approval and the proposed conditions. R. Nalette said the big concern on the original application was the installation of the driveway and did a great job. Motion by R. Nalette to **approve modification of Application #IW05-20, West Road, proposal for site plan modification - relocate main house to area adjacent to existing driveway, move main house septic away from lake, downsize former main house and septic to 3-bedroom guest house for Rian Dartwell, Map 19, Block 156, Lot 23-2B, Zone RU-3. The authorized activity is based on oral and written testimony and is subject to standard conditions #1 – 12 and the following additional conditions:**

13. The plan as modified complies with Ordinance Section 162 and the applicant will conform to all other outstanding items in Section 162.
14. \$1,000.00 Erosion & Sedimentation Bond required before construction begins per house.
15. Add Silt Fence to upper side of driveway and have Wetland Agent inspect prior to construction.

Second by J. Reinert. *Discussion:* Discussion followed regarding when the bond will be collected and the utility trench serving both houses. *Vote:* all in favor except S. Peacock (abstained) – motion carried.

- D. **Application #IW10-13, 360 East Wakefield Boulevard, proposal to install new boatlift next to existing dock, application of Jen Perga, Map 32, Block 105, Lot 068E, Zone HLD. Ms. Perga present. Chairman Waring reviewed the proposal; verified the boatlift will be 10' X 16'. Motion by R. Nalette to approve Application #IW10-13, 360 East Wakefield Boulevard, proposal to install new boatlift next to existing dock, application of Jen Perga, Map 32, Block 105, Lot 068E, Zone HLD. The authorized activity is based on oral and written testimony and is subject to standard conditions #1 – 12 and the following additional conditions:**

13. The plan as modified complies with Ordinance Section 162 and the applicant will conform to all other outstanding items in Section 162.

Second by S. Molinelli. *Discussion:* Discussion followed regarding compliance with Section 162. *Vote:* all in favor except C. Kiely, J. Rollins and S. Peacock (abstained) – **motion carried.**

- B. Application #IW10-07, 628 East Wakefield Boulevard**, proposal to place boat lift and swim float; boatlift will be 12' from property line and lift will have 3' X 6' walkway bolted to seawall; swim float attached to lakebed., application of Christopher H. Comey, Map 38, Block 107, Lot 001, Zone HLD. Chairman Waring noted the applicant was told last month he did not need to attend this month's meeting. J. Rollins verified the float exceeds 50' from the shoreline. Chairman Waring noted this was discussed with the applicant at last month's meeting. J. Rollins verified the proximity on the Lake won't be a navigational hazard. Brief discussion followed regarding the location in 3rd bay. S. Molinelli asked if the walkway was changed. S. Eisenlohr said the plan is in your packets – it was 3' X 6' and is now 3' X 15'. Chairman Waring noted the existing dock is not being touched; want to add condition that the furthest point of the swim float to be 50' from shoreline and maybe the boatlift and walkway are as per plan submitted 6/14/10. **Motion by J. Reinert to approve Application #IW10-07, 628 East Wakefield Boulevard, proposal to place boat lift and swim float; boatlift will be 12' from property line and lift will have 3' X 15' walkway bolted to seawall; swim float attached to lakebed, application of Christopher H. Comey, Map 38, Block 107, Lot 001, Zone HLD. The authorized activity is based on oral and written testimony and is subject to standard conditions #1 – 12 and the following additional conditions:**

13. The plan as modified complies with Ordinance Section 162 and the applicant will conform to all other outstanding items in Section 162.

14. Per 6-14-10 amended drawing.

15. The swim float/inflatable shall be securely anchored to the lake bed with cables, lines or chains attached to 5 gallon pails of concrete/or concrete blocks resting on the lakebed in a manor not to create a navigational hazard and not drift into littoral boundary. No part of a swim float shall be located more than 50 feet from the shorefront.

Second by R. Nalette. *Vote:* all in favor except C. Kiely, J. Rollins and S. Peacock (abstained) - **motion carried.**

Item 7. New Business

A. Application #IW10-09

Applicant: Thomas Outwater

Location: 370 Platt Hill Road

Map: 32, Blk: 153, Lot(s) 6D-2, Zone: RU-1

Proposal: Feasibility Plan for single-family residence; house, well and driveway in regulated area.

Ken Hrica, PE, representing the applicant explained the soils are delineated on the plans but not sure the soils report is in the Board packets – distributed copies along with a map of the entire property. J. Rollins asked about the location. Mr. Hrica said it's approximately 2,000' south of the intersection of Winchester Center Road and Route 263; explained the location. S. Eisenlohr added it's above the pond on the right hand side. Mr. Hrica said the prior owner cut in the road and did some leveling; property is 16½ acres; mostly wetlands; explained the reason for not using the upland area and possible impacts if it was used. J. Rollins asked about the heavy dash line on the plans. Mr. Hrica noted the edge of the pond; described the topography of the property; by utilizing the existing wood road can build the house with very little disturbance; explained the septic and driveway locations and reasons; tried to utilize existing accessway and disturbed areas; currently being taxed as a building lot but need an IWC and TAHD permit issued to make it marketable as a building lot. Chairman Waring verified the goal is to sell the lot. R. Nalette verified the lot was subdivided in the 50's or 60's. Mr. Hrica said it's been a lot of record for some time. J. Rollins asked if there was any other access to this lot. Mr. Hrica said no, bound all around by other properties. J. Rollins noted the steepness. Mr. Hrica said in some places; the back lot has a lot of intermittent watercourses and a lot of huge boulders; would be a major excavation to get to it. J. Rollins asked what's on the other side. Mr. Hrica said he didn't map it but thinks it's wetlands; thinks it involved Suckerbrook Pond and eventually Highland Lake – no direct access to that side. S. Peacock asked about the analysis of the perc test. Mr. Hrica said it was very good; reviewed the results. J. Rollins verified this is not a fill system. Mr. Hrica said it would be

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about 6" of fill – 12" gallery but not really a fill system. R. Nalette asked if the unnamed pond is part of the emergency water system from Crystal Lake; an emergency back-up; water channels from some place; asked if this pond is part of that emergency channel. J. Rollins and Mr. Hrica both replied no. S. Eisenlohr verified the location of the property is clearly marked. Mr. Hrica said there are no property markers but noted there is a Mettling Real Estate sign, 376 is the neighbor on the downhill side (house with a pond) which has a closed wooden gate. **Motion by J. Rollins to accept Application #IW10-09, 370 Platt Hill Road, proposal for feasibility plan for single-family residence; house, well and driveway in regulated area, application of Thomas Outwater, Map 32, Block 153, Lot 6D-2, Zone RU-1. Second by R. Nalette. Vote: all in favor – motion carried unanimous.**

B. Application #IW10-12

Applicant: Greenwood Trails, LLC

Location: 390 Winchester Road

Map: 26, Blk: 153, Lot 020, Zone: RU-1

Proposal: Water Trampoline in Private Camp Lake.

Chairman Waring noted no one is present for this application; looks to be about 40' out from either direction; no dimensions for the trampoline; need actual dimensions for everything next month. S. Eisenlohr explained this is where Camp Delaware used to be; trampoline is already in; explained why he allowed installation, said the trampoline is 15' and has accessories off of it. S. Peacock asked if this could be an agent determination. S. Eisenlohr explained why he considered it an application. J. Rollins noted this is not a public body of water. Chairman Waring said there is no motorized traffic. S. Peacock asked if the applicant paid the fee. J. Rollins asked how we know it's not public. S. Peacock said you can't just go in there. Discussion followed regarding the location of the water from the road and if the State owns land on all bodies of water. S. Eisenlohr suggested the Commission accept it and he'll bounce it off Attorney Nelligan. **Motion by R. Nalette to accept Application #IW10-12, 390 Winchester Road, proposal for water trampoline in private camp lake, application of Greenwood Trails, LLC, Map 26, Block 153, Lot 020, Zone RU-1. Second by B. O'Heron. Vote: all in favor – motion carried unanimous.**

Item 8. Other Business

Review of Section 162: Chairman Waring said this was brought up last month; wanted everyone's thoughts on re-doing the ordinance now or at a later date. J. Rollins said he doesn't have a strong feeling on it; a lot of work went into this; respects what's in it; does have it's weaknesses but it's better; being part of the process; felt it would be simple yet flexible by coming up with the 50% rule; been keeping score and there's not one where it would be a significant difference; explained the 50% rule; said it was simple and it would make all the inconsistency very simple; do know the people on the committee were not in favor of the 50% rule. B. O'Heron said people were worried about the number and mixture of things. J. Rollins agreed. Chairman Waring asked if there were any stipulations with the rule. J. Rollins said it would still have issues with coverage. S. Peacock said and still pay attention to littoral boundaries. B. O'Heron said wanted to limit the size of docks. J. Rollins said have to be mindful of what they would want to do; the industry will change faster than the document which is why the 50% rule works. S. Peacock noted the Commission would still get involved with possible safety factors. J. Rollins said still have definitions and limits but stuff like number of structures is ridiculously complex; made that proposal from his experience on the Commission; could see weaknesses in the ordinance; the 50% gives a lot of freedom to the applicant; something worth considering. S. Molinelli said he went through the experience of developing the ordinance; there were extremes with the people on the subcommittee; briefly discussed the 50% rule and how it worked; if we revisit the ordinance again; would limit it to 2 – 3 meetings; new people would view it differently and might be advantageous. S. Peacock asked what the issues are. J. Rollins said the only one he's noticed is the definition for the 3' walkway to 4' walkway. Discussion followed regarding 3' walkway versus 4' walkway, going through this as a group, number of lifts with walkways to each side, being a living document, no-win situation, use of pyles versus piers and cantilevered versus floating docks. Chairman Waring suggested waiting 6 months; pay close attention to how applications relate to the dock & mooring ordinance and revisit it then.

S. Peacock noted the Water Level Committee is considering another deep draw to address the damage caused by the floating bog. Chairman Waring asked if there would be a risk of creating more damage. B. O'Heron briefly reviewed the proper procedures for a drawdown. S. Peacock said the procedures are followed closely but a large unexpected rainfall brings the water up.

B. O'Heron said need to have the facts on the table; when the ordinance was revisited last time, people felt it was too restricted; the new ordinance isn't experiencing that; applicant's come in with alternatives; applicants are kind of happy; big problem is applicant's don't know what the rules are. J. Rollins asked if questions remain after they read Section 162. B. O'Heron said they don't read it; they usually have mis-information and then they talk with Scott. S. Peacock added a lot of people do what they please.

S. Molinelli verified the primary purpose of the deep drawdown is to clean out the cove to a more pristine level; to drop the Lake will bring limited success; should allow certain environmentally safe machinery; felt hand-digging is counter-productive. J. Rollins noted there are a lot of options with machinery. S. Peacock said another deep drawdown is not on the schedule; the DEP would be involved with dredging; added a deep drawdown is the only time some people can get work done. Discussion followed regarding the deep drawdown schedule and committee.

R. Nalette said he still feels the document has some blinding spots of neglect; several occasions over the last year; felt waiting another 6 months will allow these issues to perpetuate. Chairman Waring agreed there have been a lot of things that could be helped by clarifications, additions but waiting the season won't be detrimental; suggested keeping this on the agenda under "Other Business", completely drop it or move forward. J. Rollins said keep it on as Other Business; will decide if we jump on it or not as ideas come up. Discussion followed regarding keeping a list. S. Peacock asked Chris K. if he has seen anything. C. Kiely said he thinks the Commission should keep a list and move on it. Discussion followed regarding designing things and approving things not in the ordinance, flexibility of the rules, possible marinas on the Lake and keeping this on the agenda as Other Business. Chairman Waring asked Commissioners to go through past records for ideas to address.

Item 9. **Agent Determinations**

A. Application #IW10-10

Applicant: Bruce & Anne Work

Location: 409 West Wakefield Boulevard

Map: 32, Blk: 118, Lot 9B, Zone: HLD

Proposal: Minor Relocation of Driveway in Regulated Area

S. Eisenlohr reviewed the proposal; noted the driveway may be modified depending on the Building Inspectors opinions. J. Rollins verified it will be 80' - 100' from the Lake. *Commission supported.*

B. Application #IW10-11

Applicant: Lloyd Fletcher

Location: 103 Colebrook River Road

Map: 18, Blk: 150, Lot 45

Proposal: Remove pipe 25' from Brook

S. Eisenlohr explained the proposal and situation; said Torrington Area Health has asked that the discharge pipe be removed. *Commission supported.*

C. Application #IW10-14

Applicant: John & Barbara Esposito

Location: 340 West Wakefield Boulevard

Map: 32, Blk: 117, Lot 011A, Zone: HLD

Proposal: Repair of existing Stone Retaining Wall and Extending the Stone Wall 30' on Other Side of Fireplace.

Chairman Waring noted the location of the wall. Brief discussion regarding the location of the wall from the Lake. J. Rollins asked if this is a stone wall or a retaining wall. S. Eisenlohr said it has to be 3' or under. Additional discussion regarding the location of the wall. *Commission supported.*

Item 10. **Warnings – none**

Item 11. **Violations – none**

Item 12. **Communications & Bills**

- a. Chairman's report: nothing
- b. Clerk's hours: **Motion by R. Nalette to pay 2.25 hours to the clerk for the minutes of 5/19/10. Second by S. Peacock. Vote: all in favor – motion carried unanimous.**
- c. Ric Nalette – Salt-Calcium at Highland Lake: R. Nalette read an e-mail from Richard Labich of the HLWA. Brief discussion regarding obtaining a copy of the protocols and the purpose of becoming involved with this issue.
- d. Thank you letter for Tim O'Meara: Chairman Waring read the letter into the record and circulated it for everyone's signature.

Item 13. **Adjournment**

Motion by R. Nalette to adjourn at 9:10 p.m. Second by J. Rollins. Vote: all in favor – motion carried unanimous.

Minutes respectfully submitted.


Laurie Bessette

Minutes Secretary

Rollin & Peaseck (abs)

UWC 6/16/10

702 collect order

Chris W welcomed Susan back to the UWC

5/19/10 Jim Chris K unanimous except Susan

4 Scott add sect 162 - review to other business

Ric entered 7:05

5 Chris W reminded chair/vic chair elected last month
Jim Rollin now Sue Peaseck

Ric end

call made 2x more

Disc: secretarial duties

Unanim except Susan

8 Other Bus

Chris W last month just wanted everyone's thoughts on reding the ordinance now or @ a later date

beginning of disc

Jim - don't have strong feelings, a lot of work went into this respect what's in it - does have its weaknesses but better; being part of the process - ~~but~~ it w/ simple yet flexible by coming up w/ the 50% rule; been keeping score of them not 1 where it w/ a significant difference; expl the 50% rule - it was simple & it w/ make all the inconsistency very simple; do know the ppl on committee were not in favor of the 50% rule. Brian - ppl were worried about the # of & nature of things. Jim agree. Chris W - w/ rule - any

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stipulations? Jim - still have issues w/ coverage. Sue & pay attr to territorial boundaries. Brian wanted to limit size of docks. Jim said have to be mindful of what they would want to do. Chris w/ gave example of heated discussions. Jim the industry will change faster than the document which is why the 50% rule works. Susan - ... ^{Comm. got involved w/ possible safety} factor. Jim still have definitions & limits but stuff like # of structures is ridiculously complex. Jim made that proposal ← his experience on LLC; could see weaknesses in ordinance; the 50% gives alot of freedom to applicant; something worth considering.

Steve - went thru experience of developing the ordinance; expresses w/ ppl on subcommittee; 50% rule ... worked; several applicants; was an effective tool; allows homeowners to have independent thought but limits it; if revisit ordin. again, limit to 2-3 mtgs - new ppl rule view it differently it be advantageous

Steve - written down any issues

Jim - only definition of walkway 3' → 4'

Disc re: 3' ^{vs 4'} walkway & going thru as a group, # of lifts w/ walkway to each side, bring a living document, no win situation, use of piles vs piers, cantilevered vs floating docks

Chris w/ sue's wanting 6 month - pay close attention to how they relate to the d/p ordinance & revisit it then.

Sue - damage = floating bog - water-level committee considering another deep draw to address that damage

Chris W - risk of creating more damage?

Brian - expl procedures are followed properly for drawdown

Sus - its being followed closely but by unexpected rainfall brings water up

Brian - need to have facts on table; when ord was revisited last time - ppl felt too restricted; new ordin isn't experiencing that; applicants come in w/ alternatives - ^{applicants are} kind of happy; big prob is applic don't know what rules are.

Jim asked if questions remain after reading 162

Brian - they don't read it, they usually have misinformation of then they talk w/ Staff.

Sus said alot do what they please

Steve - deep d/d primary purpose to clean out core to more positive level; to drop lake w/b limited success; allow certain machinery - environmentally safe - hand digging is constro productive -

Jim - alot of options w/ machinery

Sus - another deep d/d not on schedule; deep w/b involved in dredging; d/d is only time some ppl can get work done

~~Disc~~ Disc re: dd schedule/committee

The still feels the document has some blinding spots of defect; several occasions in last year; waiting another 6 months will allow these issues to perpetuate

Chris W - agree there have been alot of things that c/b help by clarific / additions, but waiting thru season wont be detrimental; suggested keep this on other

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business, ~~completely~~ drop it or move forward
Jim - keep it in other business; will decide if
we jump on it or not as ideas come up

Disc re: keeping a list

Sue asked if Chris K has seen any +

Chris K - think we should make a list & move on it

Disc re: designing things & approving things not in
ordinance, flexibility of rule, possible marinas on lake,
keeping in other business,

Chair asked go thru past records for ideas to
address 9 pm

12A - nothing

B motion to appr 2.25 hrs Ric Sue) unanim

C recd email ← labach expl how they've been met, &
was told they weren't interested in my help - still need
protocols. Ric expl why he's involved
Sue asked

Chris W - letter for Jim Omeara; read into record -
distrib & everyone's signature
thinking him for his service

Ric
Jim

9:10

Handwritten notes in cursive script, appearing to be a list or series of points. The text is very faint and difficult to decipher, but seems to include terms like "at a point", "in the", and "the".

Handwritten notes in cursive script, including a large bracketed section on the left side. The text is very faint and difficult to decipher, but seems to include terms like "and", "the", and "is".

Handwritten notes in cursive script, appearing to be a list or series of points. The text is very faint and difficult to decipher, but seems to include terms like "the", "is", and "of".