



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

April 20, 2016

Ms. Ann Marie Townshend
City of Dover
15 Loockerman Plaza
P.O. Box 475
Dover, DE 19903

RE: PLUS review 2016-03-09; City of Dover Master Plan for Dover Downs Woodlands

Dear Ann Marie,

Thank you for meeting with State agency planners on March 23, 2016 to discuss the proposed master plan for the Dover Downs lands known as the "Woodlands." According to the paperwork received with this application the master plan addresses the anticipated annexation of certain parcels around Dover International Speedway.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

Recommendations: Our office strongly recommends that the Town consider these recommendations from the various State agencies as you review your plan for final approval.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact David Edgell 739-3090

- The proposed master plan provides a site layout and improvement plan for the lands of Dover Downs, Inc. that are collectively known as "The Woodlands." These lands are the site of outdoor music festivals, including the Firefly Festival.
- Based on the discussions at the PLUS meeting, it is our understanding that this master plan will accompany the annexation application for these lands. This master plan will be used by the City of Dover for permitting and other regulations associated with the outdoor music festival activities.
- Also, based on the discussions at the PLUS meeting, our understanding is that these lands will be used for temporary music festivals and other outdoor uses for the foreseeable

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future, and that there are currently no plans for permanent construction on these lands other than festival related structures shown on the master plan.

- The master plan indicates that most of the improvements on the parcels will be temporary in nature. There are two permanent storage buildings shown, along with potential future construction for grandstands and other structures directly related to the music festival activities. No further PLUS review will be required for the structures shown on this master plan.
- As per the PLUS Memorandum of Understanding with the City of Dover, any future development that is not shown on this masterplan on this site must be reviewed through PLUS.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- DelDOT's regulations with regard to temporary entrances are found in Section 8.4 of the Development Coordination Manual. The regulations apply to this site and the festival organizer should apply for a temporary permit each time a festival is held.
- The following comments stem from a review of the Master Plan by our Traffic Section. They are characterized as suggestions here because they are based on our observations as to what is needed to support the operation of the festival. While our requirements will likely reflect these comments, we will determine our specific requirements in response to an application for a temporary entrance permit.
 - Moor Farm Lane, the access to Lot 18 from Persimmon Tree Lane, should be widened to accommodate a minimum of three lanes of traffic. The lane configuration would be two in, one out for load-in operations; two out, one in for load-out operations. Consideration should be given to increasing the radii at Persimmon Tree Lane to accommodate turns executed by larger recreational vehicles, campers, trailers, service vehicles, buses, etc. Consideration should be given to improving the durability of the existing road surface. Surveying may be needed to determine whether there is presently enough property and right-of-way available for the widening and the radius improvement
 - To enhance pedestrian safety, sidewalk should be installed on the north side of Persimmon Tree Lane from Moor Farm Lane to the Pit Stop Lane intersection, commonly referred to as Control Point 5. As a partial alternative, a shared-use path could be constructed outside of the venue, on the western edge of the festival grounds, to connect Lot 18 to the intersection of Leipsic Road and Persimmon Tree Lane, commonly referred to as Control Point 3. The path would not, of course, help pedestrians determined to walk along Persimmon Tree Lane but it would mitigate the need for them to do so and has the advantage of being something within the control of the festival organizers. Building the sidewalk could require additional easements or rights-of-way from lands not owned by Dover International Speedway (DIS).

- With the recent loss of the lot immediately east of the Comfort Inn as the primary ingress for registration, all ingress to the south side of Leipsic Road west of Route 1 will occur at Control Point 1, about 1,000 feet farther. Therefore Control Point 1 must accommodate, at a minimum, two lanes in and one lane out. Consideration needs to be given to increasing the radii to allow for double right turns into the lot by larger vehicles such as recreational vehicles, trailers, campers, etc. DeIDOT has discussed this point with DIS and Red Frog and all parties believe this change is feasible.
- The parcel on the south side of Persimmon Tree Lane (Tax Parcel No. 4-00-05800-01-0208-00001) just west of Moor Farm Lane (Lot 18), is currently owned by DIS. DIS is proposing, likely in conjunction with Red Frog, to use this parcel as an area for parents to drop-off/pick-up festival revelers. To create such an area, a stabilized entrance would need to be constructed to allow for ingress and egress. We acknowledge that this parcel is under County jurisdiction and is not proposed for annexation now.
- On the north side of Lewis Drive, just west of Leipsic Road, there is a farm field where a residential subdivision, Alezach Lands, LLC, has been recorded but not built. This field has been used in the past for employee and/or vendor parking and camping. If the intent is to continue to use this parcel in the same manner, the existing entrance needs improvements/widening to accommodate inbound and outbound vehicles of varying sizes. We acknowledge that this parcel is under County jurisdiction and is not proposed for annexation now.
- Please be advised that DeIDOT is about to advertise for adoption, in the April Register of Regulations, an update of the Development Coordination Manual. The effective date will be April 11, 2016. While in most respects, the changes are incremental, they are located throughout the Manual and could have some effect on entrance designs.

Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352

Source Water Protection Areas.

- A portion of one of the parcels (LC-00-05800-01-0200-00001, also referred to as Lot 18) designated for annexation falls within an area of excellent ground-water recharge potential area. Based on 2013 aerial imagery, this area is presently a dirt road (see map).

Excellent Ground-Water Recharge Areas are those areas mapped by the Delaware Geological Survey where the first 20 feet of subsurface soils and geologic materials are exceptionally sandy. These soils are able to transmit water very quickly from the land surface to the water table. This map category (excellent) is an indicator of how fast contaminants will move and how much water may become contaminated (Andres, 2004).

Land use activities or impervious cover on areas of excellent ground-water recharge potential may adversely affect ground water in these areas.

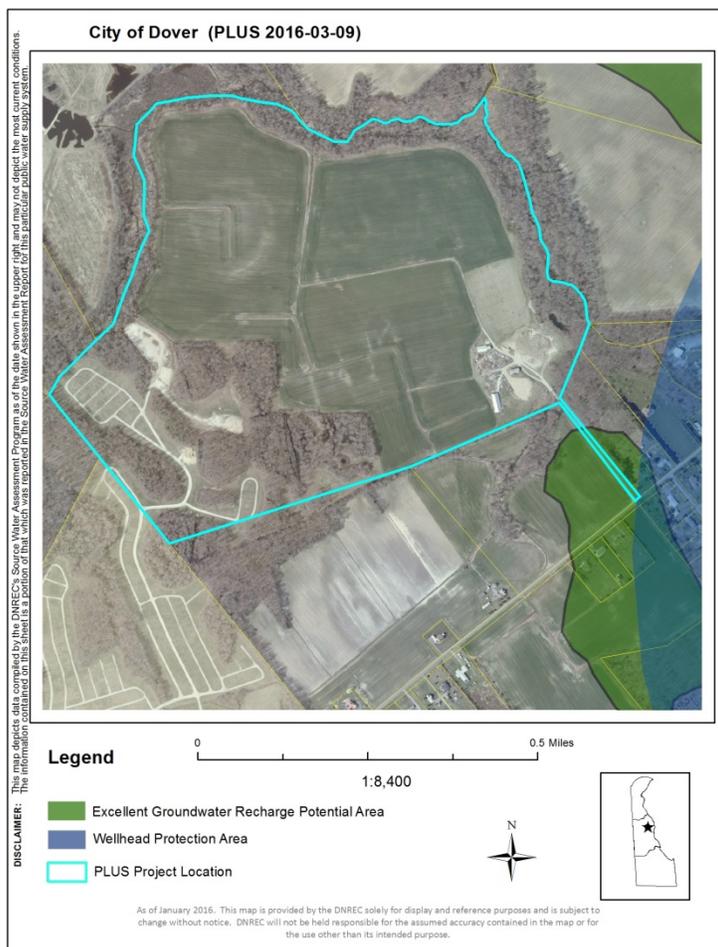
The City of Dover has a source water ordinance in place with conditions for development within areas of excellent groundwater recharge potential.

In addition, because the excellent ground water recharge area can readily affect the underlying aquifer if contaminants are spilled or discharged across the area, the storage of hazardous substances or wastes should not be allowed within the area unless specific approval is obtained from the relevant state, federal, or local program.

References

Andres, A. Scott, 2004, Ground-Water Recharge Potential Mapping in Kent and Sussex Counties, Delaware: Delaware Geological Survey Report of Investigations No. 66, p. 14.

<http://www.udel.edu/dgs/Publications/pubform.html#nvestigations>



Protection of Forests/Wetlands.

- Portions of the Woodlands of Dover International Speedway parcels are in the Bombay Hook Natural Area. DNREC Division of Fish and Wildlife scientists have not surveyed this parcel. As such, we are unable to provide information pertaining to the existence of state-rare or federally listed plants, animals or natural communities at this site. However, the forested wetlands on this site are mapped as Key Wildlife Habitat because it is part of a large wetlands complex that can support an array of plant and animal species. It is unclear what future work might be proposed in these forested wetlands if the parcels are rezoned to commercial. Protection for these forested wetlands is strongly encouraged.

State Historic Preservation Office – Contact Terrence Burns 736-7404

- On Lot-8, there are no known archaeological sites or National Register listed property on the parcel. On Lot-9, there is a known archaeological site (K-6358, 7K-C-459) on the parcel. On Lot-10A, there are no known archaeological sites or National Register listed property on the parcel. Furthermore, on Lot-18 there was a historic house on the parcel towards the end of Moor Farm Lane. According to the Pomeroy and Beers Atlas of 1868 (a 19-century historic map), the house was associated with a William Cowgill (K-2072), however, it is no longer there. Furthermore, there may archaeological resources associated with that house as well.

In addition, there are also some known archaeological sites (K-815, 7K-C-088; K-4333, 7K-C-099) on the parcel south of Muddy Branch. With this in mind, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law, which is in Chapter 54, of Title 7, of the Delaware Code.

- Abandoned or unmarked family cemeteries are very common in the State of Delaware. They are usually in rural or open space areas, and sometimes near or within the boundary of an historic farm site. Even a marked cemetery can frequently have unmarked graves or burials outside of the known boundary line or limit. Disturbing unmarked graves or burials triggers the Delaware's Unmarked Human Burials and Human Skeletal Remains Law (7 Del. C. Ch. 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If there is a discovery of any unmarked graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area, to the full extent, to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also recommends that the plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development. If you would like to know more information pertaining to unmarked human remains or cemeteries, please go to the following websites for additional information:

www.history.delaware.gov/preservation/umhr.shtml and
www.history.delaware.gov/preservation/cemeteries.shtml.

Therefore, prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant, to examine the parcel for archaeological resources, especially a cemetery or unmarked human remains. Furthermore, if there is any federal involvement with the project, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Furthermore, any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or funds. If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role, please review the Advisory Council's website at www.achp.gov.

Department of Agriculture – Contact Scott Blaier 698-4532

- The Department of Agriculture would only note that the northern boundary of this parcel consists of a number of properties enrolled in the State's Agricultural Lands Preservation Program. The Department asks that Dover International Speedway and the City of Dover be considerate and accommodate these landowners while hosting large events for patrons who may not understand the business of farming and its potential inconveniences (i.e. the smell of manure, dust, noise, trespassing, etc.) .

Once a decision has been reached on this proposed master plan, please forward a copy of the master plan to the Office of State Planning Coordination for our records.

Thank you for the opportunity to review this Comprehensive Plan amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,



Constance C. Holland, AICP
Director, Office of State Planning Coordination
CC: Kent County