



Jeff Levine, AICP, Director  
Planning & Urban Development Department

Ann Machado  
Zoning Administrator

**CITY OF PORTLAND ZONING BOARD OF APPEALS**

**Interpretation Appeal Application**

**Applicant Information:**  
ConvenientMD LLC

NAME

c/o Natalie L. Burns, Esq.

BUSINESS NAME

10 Free Street, Portland, ME 04101

BUSINESS ADDRESS

207-775-7271; nburns@jbgh.com

BUSINESS TELEPHONE & E-MAIL

Lease

APPLICANT'S RIGHT/TITLE/INTEREST

B-7

CURRENT ZONING DESIGNATION

**Subject Property Information:**

191 Marginal Way

PROPERTY ADDRESS

024 C021001

CHART/BLOCK/LOT (CBL)

Earl W. Noyes & Sons

PROPERTY OWNER (If Different)

P.O. Box 938, Portland, ME 04104

ADDRESS (If Different)

N/A

PHONE # AND E-MAIL

DISPUTED PROVISIONS FROM SEC 14- 369.5

EXISTING USE OF THE PROPERTY: Mixed Use Commercial

ORDER, DECISION, DETERMINATION OR INTERPRETATION UNDER DISPUTE: Zoning Administrator's July 21, 2017

interpretation of the above provision.

TYPE OF RELIEF REQUESTED Reversal of Zoning Administrator's interpretation.

**NOTE:** If site plan approval is required, attach preliminary or final site plan. Enclosed.

*The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.*

*Natalie L. Burns*

SIGNATURE OF APPLICANT

July 31, 2017

DATE



Attorneys at Law

TEN FREE STREET  
P.O. BOX 4510  
PORTLAND, MAINE 04112-4510  
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(1914-1987)

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(1918-2003)

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LAWRENCE R. CLOUGH  
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F. BRUCE SLEEPER  
DEBORAH M. MANN  
LESLIE E. LOWRY III  
PATRICIA M. DUNN  
MICHAEL J. QUINLAN  
R. LEE IVY

NATALIE L. BURNS  
SALLY J. DAGGETT  
ROY T. PIERCE  
BRENDAN P. RIELLY  
NICHOLAS J. MORRILL  
MARK A. BOWER  
CHARLES M. KATZ-LEAVY  
ALYSSA C. TIBBETTS  
J. CASEY MCCORMACK  
TUDOR N. GOLDSMITH

July 31, 2017

HAND DELIVERED

Zoning Board of Appeals  
City of Portland  
389 Congress St.  
Portland, ME 04101

**RE: 191 MARGINAL WAY; INTERPRETATION APPEAL**

Dear Sir or Madam:

I am writing on behalf of my client, ConvenientMD LLC, which does business as ConvenientMD Urgent Care (hereinafter, "ConvenientMD"). Enclosed please find eleven (11) copies of an interpretation appeal application with respect to property located at 191 Marginal Way, which is designated by the City Assessor as Map 24, Block C, Lot 1 and Map 25, Block B, Lot 9 (the "Property"). This is an interpretation appeal of the Zoning Administrator's July 21, 2017 interpretation of the City of Portland Land Use Ordinance ("Ordinance") as it relates to building identification signs. The Property is located in the B-7 Mixed Use Urban Zone.

**Factual Background**

This application relates to a construction project at the Property, which is owned by Earl W. Noyes & Sons (the "Owner"), the developer for Convenient MD LLC (d/b/a ConvenientMD Urgent Care). The building, which the Owner will name "ConvenientMD Urgent Care," will house several commercial tenants. ConvenientMD will be the anchor tenant in the building, operating an urgent medical care facility.

On August 16, 2016, ConvenientMD had its first meeting with planning staff about this project. At that meeting, ConvenientMD's representatives presented a proposed building identification signage plan. Although planning staff did not have authority to approve the plan, they agreed they did not see anything in the Ordinance that would prevent the building from being named "ConvenientMD Urgent Care" or otherwise prohibit the proposed signage. Based on that advice, ConvenientMD signed a lease with the Owner and proceeded with the project.

On January 17, 2017, the Owner received site plan approval from the Planning Board, which included an approved master signage plan that includes building identification signs on two sides of the building—on the east-facing wall and the north-facing wall.<sup>1</sup> The site plan approval contained the following condition of approval: “13. Prior to the issuance of a certificate of occupancy, the applicant shall provide specifications for proposed signs, meeting the standards of the B-7 zone and the City of Portland Design Manual, for review and approval by the Zoning Administrator.” On May 19, 2017, the City issued a building permit to the Owner for construction of a new building and renovation of the existing shell. The permit required separate permitting for “any new signage.”

On February 24, 2017, ConvenientMD submitted an application for a sign permit for three wall-type signs on the building—the two building identification signs and an additional wall sign for the south-facing wall. From March through July of 2017, the Applicant (through its representatives) has corresponded by e-mail with various members of the City’s zoning staff with regard to its sign permit application. This correspondence culminated in an e-mail from Ann Machado (Zoning Administrator) to the applicant’s attorney, Natalie Burns, dated July 21, 2017 (see **Attachment A**). In the e-mail, the Zoning Administrator provided the following interpretation of the Ordinance:

*“I understand that the name of the tenant is ConvenientMD Urgent Care. It is my interpretation that a building identification sign identifies the name of the tenant in basic letters. What is being proposed represents the [] company’s branding and logo. It is a commercial message and not a building identification sign.”*

ConvenientMD appeals from this interpretation of the ordinance and respectfully requests the Board to reverse the Zoning Administrator’s interpretation.

### **Argument**

#### **1. The Zoning Administrator’s interpretation related to building identification signage is not supported by any Ordinance provisions.**

Despite having received Planning Board approval for the building identification signage as part of the master sign plan, the Zoning Administrator is now attempting to regulate the content of the proposed signage through her interpretation of the Ordinance. However, there is no basis in the Ordinance for an interpretation that a building identification sign must identify the name of the tenant in “basic letters” and not with the company’s logo, nor that a building identification sign in the B-7 zone cannot contain a “commercial message.” In fact, the Ordinance does not even provide a definition for a building identification sign.

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<sup>1</sup> Interestingly, if the ConvenientMD building identification sign on the east façade of the building were changed to a tenant sign, it could be 208 square feet in size (104 lineal feet x 2 square feet). That would be considerably larger than the allowable sign area for a building identification sign for that façade (165 square feet, or 5% of the wall area). In addition, it is notable that the prior tenant of the building (AAA Car Care Center), had 144-square-foot signs on both the eastern and northern façades of the building.

Table 1 in Sec. 14-369.5 identifies the permitted sign types by zone. For the B-7 zone, Table 1 indicates that a building identification sign is allowed without a permit, subject to note (e), which provides: “Only address and name of occupant allowed on sign.” In addition, Sec. 14-368(a) provides: “If the notation ‘A’ appears for a sign type in a column, such sign is allowed without prior approval as provided in this division in the zoning district(s) represented by that column.” That section goes on to provide:

Although permitted under the previous paragraph, a sign designated by an “A” or “B” in Table 1 of section 14-369.5 shall be allowed only if:

1. The sum of the area of all building and freestanding signs on the lot conforms with the maximum permitted sign areas for such as determined by the formula for the zoning district in which the lot is located as specified in Table 2 of section 14-369.5; and
2. The size, location and number of signs on the lot conform to the requirements of Table 2 of section 14-369.5, which establish permitted sign dimensions by sign type, and to any additional limitations listed therein.

Portland Zoning Ordinance, Sec. 14-368(a).

The Zoning Administrator also infers, without basis, that a “commercial message” is not allowed on any building identification sign in the B-7 zone. The Ordinance defines “commercial message” as follows: “Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.” Portland Zoning Ordinance, Sec. 14-367. Notes (c) and (d) to Table 1 do contain restrictions as to commercial messages, but those notes are not applicable to building identification signs in the B-7 zone; only note (e) applies as a restriction.

Table 2.8 contains the regulations for building signs in the B-7 Mixed Use Urban zone. According to that table, there are two limitations on building identification signs for multi-tenant buildings: (i) the provision allows only one building sign per façade and one sign per tenant; and (ii) the total signage cannot cover more than 5% of the total wall area. In addition, Table 2.8 allows one sign per ground-floor tenant, limited to 2 square feet per foot of the tenant’s building frontage.

Contrary to the Zoning Administrator’s interpretation, there is nothing in the Ordinance, including Tables 1 and 2.8 of Section 14-369.5, to suggest that building identification signs must be in “basic letters.” As shown in the plans included with this application, the proposed signage meets the applicable Ordinance requirements, as follows:

- Per Table 1, note (e), only the address and name of the occupant will be on the building identification signs on the east and north façades. The name of the occupant is

Jensen Baird  
Gardner Henry

July 31, 2017  
Page 4

ConvenientMD Urgent Care, and the sign will also display the address of the building, 191 Marginal Way.

- The proposed sign on the south façade is a tenant sign and therefore not implicated by the Zoning Administrator's interpretation.

Each of the three proposed signs meets the dimensional requirements (area) set forth in Table 2.8, which was not at issue in the Zoning Administrator's interpretation.

**2. Any ambiguity in the Ordinance must be construed in favor of ConvenientMD.**

Under Maine law, any ambiguity in an ordinance provision is to be construed in favor of the applicant, as ordinances are to be strictly construed. *See Town of Windham v. LaPointe*, 308 A.2d 286 (Me. 1973); *see also Home Builders Ass'n v. Town of Eliot*, 2000 ME 82, ¶ 9, 750 A.2d 566 (ordinance interpretation should defer to the plain meaning of the provision).

ConvenientMD does not perceive any ambiguity with regard to building identification signs; there simply is no regulation on lettering or commercial message for such signs in the B-7 zone. However, in accordance with the above rule, to the extent that the Board discerns any ambiguity in the provisions of the Ordinance at issue in this application, those provisions must be construed in favor of the Applicant's request for a sign permit.

The correspondence between ConvenientMD and the zoning staff included a March 23, 2017 e-mail from Zoning Specialist Christina Stacey (see **Attachment B**). In that e-mail, Ms. Stacey acknowledged that the Ordinance provisions in question are vague: "*I've talked with my supervisor and one of the planners who have expertise in the sign ordinance, and they both felt that the proposed signs stretch the intent of an 'identification' sign, despite the vagueness of the ordinance language.*" To the extent the Board agrees with the Zoning Specialist that the ordinance language regarding building identification signs is vague, any uncertainty in those provisions should be construed in favor of the applicant.

**Conclusion**

For the reasons set forth above, ConvenientMD respectfully requests that the Board reverse the Zoning Administrator's July 21, 2017 interpretation of the Ordinance as it relates to building identification signs.

Sincerely,



Natalie L. Burns

NLB/gw  
Enclosures

Attachment A

**From:** Ann Machado [<mailto:amachado@portlandmaine.gov>]  
**Sent:** Friday, July 21, 2017 2:08 PM  
**To:** Natalie L. Burns  
**Cc:** Christina Stacey; Ben Walter; Max Puyanik  
**Subject:** Re: Sign permit - Convenient MD Urgent Care; 191 Marginal Way

Natalie -

I understand that the name of the tenant is ConvenientMD Urgent Care. It is my interpretation that a building identification sign identifies the name of the tenant in basic letters. What is being proposed represents the the company's branding and logo. It is a commercial message and not a building identification sign.

Ann

Ann Machado  
Zoning Administrator  
Permitting and Inspections Department  
City of Portland, Maine  
(207) 874-8709

Attachment B

**From:** Christina Stacey [<mailto:cstacey@portlandmaine.gov>]  
**Sent:** Thursday, March 23, 2017 1:57 PM  
**To:** Ben Walter <[bwalter@cwsarch.com](mailto:bwalter@cwsarch.com)>  
**Subject:** Re: Sign permit - Convenient MD

Ben,

I've talked with my supervisor and one of the planners who have expertise in the sign ordinance, and they both felt that the proposed signs stretch the intent of an "identification" sign, despite the vagueness of the ordinance language. I would recommend you simply apply for a waiver on the number of tenant signs, the square footage of the signs, and the style of the signs (individually-lit letters). The other option is to appeal our interpretation of this ordinance language to the Zoning Board of Appeals.

For the waiver, you just need to submit a letter requesting a waiver and addressing the waiver criteria that I attached in my first e-mail. There is no specific format required. The planner who is assigned to the waiver review will contact you if they have additional questions. The letter can be e-mailed to me directly.

Best,

Chris

**SHORT FORM LEASE**

**STATUTORY MEMORANDUM OF LEASE**

Pursuant to the provisions of 33 M.R.S. § 201, the following information is provided relative to a certain Lease dated December 12, 2016 (the "Effective Date")

1. **PARTIES.** The names of all of the parties to the Lease and their addresses are as follows:

**LANDLORD:** Earle W. Noyes & Son  
127 Oxford Street  
PO Box 932  
Portland, ME 04104

**TENANT:** Convenient MD, LLC  
111 New Hampshire Avenue  
Portsmouth, New Hampshire 03801

2. **LEASED PREMISES.** The Leased Premises consists of approximately 5,044 square feet of rentable space in the building located at 191 Marginal Way, Portland, Maine. The Leased Premises are part of the premises conveyed to Landlord by deed dated \_\_\_\_ and recorded in the \_\_\_\_ County Registry of Deeds at Book \_\_\_\_, Page \_\_\_\_.

3. **TERM.** The Term of the Lease is ten (10) years, commencing on the Rent Commencement Date, as that term is defined in the Lease. Tenant has the right to extend the Lease for up to three (3) additional ten (10) year terms, subject to the terms of the Lease.

IN WITNESS WHEREOF, the parties to the said Lease have executed this instrument as of the 13 day of December 2016.

[signature pages follow]



**LANDLORD:**

EARLE W. NOYES & SON

Cheryl R Rand  
Witness

By: Peter L. Noyes  
Peter L. Noyes (Print Name)  
Its President  
Duly Authorized

**TENANT:**

CONVENIENT MD, LLC

[Signature]  
Witness

By: Max Puyanik  
Max Puyanik  
Its CEO  
Duly Authorized

STATE/Commonwealth of MAINE  
COUNTY OF CUMBERLAND

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of DECEMBER,  
2016, by PETER L. NOYES, as PRESIDENT of  
EARLE W. NOYES & SONS, INC., on behalf of said CORPORATION.

[Signature]  
Notary Public  
My Commission Expires:  
(SEAL)

**STEVEN L. MICKIEWICZ**  
Notary Public  
My Commission Expires March 30, 2020

# Earle W. Noyes & Sons

*Moving Specialists, Inc.*

P.O. Box 938 127 Oxford Street Portland, ME 04104  
Phone: (207) 775-5876 Toll Free: (800) 341-7576 FAX: (207) 775-5715

July 31, 2017

To Whom It May Concern:

I hereby confirm that Earle W. Noyes and Son, d/b/a Earle W. Noyes & Sons Moving Specialists, Inc., is the owner of record of a parcel of land located at 191 Marginal Way (Parcel ID 025 C021001). I also confirm that a lease has been executed between Noyes and ConvenientMD, LLC, granting ConvenientMD permission to represent us as Landlord in their application for an interpretation appeal concerning proposed building signage.

Sincerely,



Brent E. Noyes, Esq.  
Vice President of Operations/General Counsel  
Earle W. Noyes & Sons Moving Specialists, Inc.  
Agent for United Van Lines  
127 Oxford Street  
Portland, ME 04101  
(800) 341-7576 x 216  
(207) 347-5031 direct  
(207) 775-5715 fax  
[bnoyes@noyesmoving.com](mailto:bnoyes@noyesmoving.com)  
[www.noyesmoving.com](http://www.noyesmoving.com)

*Think of Noyes when you think of moving.*

August 2, 2017

Ann Machado  
Zoning Administrator  
Permitting and Inspections Department  
City of Portland, Maine

Dear Ann,

Natalie Burns of the firm Jensen Baird Gardner & Henry is representing ConvenientMD in our application for an interpretation appeal concerning proposed building signage at our new building located at 191 Marginal Way. Natalie is authorized to act as our legal counsel before the Board.

Should you have any questions regarding this letter please do not hesitate to contact me at 603-339-9234.

Sincerely,



---

Max Puyan  
Co-CEO  
ConvenientMD Urgent Care



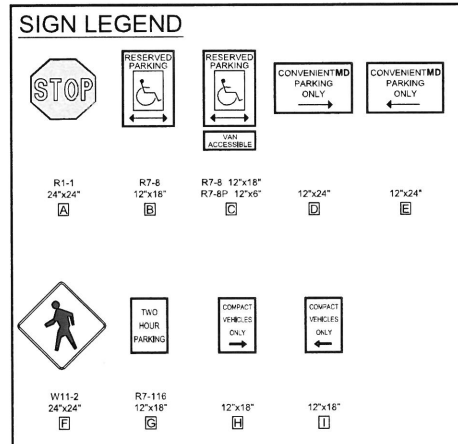
CITY OF PORTLAND, MAINE - SPACE AND BULK REGULATIONS FOR ZONE B-7	
191 MARGINAL WAY	
Dimensional Requirements	Required
Minimum Lot Size	None
Minimum Frontage	None
Minimum Front Yard Setback	None required except as provided in maximum street setback below
Minimum Side Yard Setback	None Required
Minimum Rear Yard Setback	None Required
Maximum Street Setback	Ten (10) feet
Minimum Building Wall Length	1. Minimum seventy-five (75%) of lot street frontage within ten (10) feet of the street, or 2. Minimum twenty-five (25%) of building perimeter within ten (10) feet of the street.
Maximum Building Lot Coverage	One hundred (100) percent
Maximum Residential Density	None
Maximum Building Height	105'
Minimum Building Height	Minimum of 3 Floors



N/F  
CITY OF PORTLAND  
19057/107  
24-C-10 & 25-B-6

IN SATISFACTION OF CONDITION 14 OF "CONDITIONS OF APPROVAL" CONTAINED IN 11/17/17 REDEVELOPMENT APPROVAL LETTER FROM STUART O'BRIEN TO APPLICANT, APPLICANT WILL PROVIDE A VEHICULAR INGRESS / EGRESS EASEMENT FOR AN INTERPARCEL CONNECTION BETWEEN APPLICANT'S PROPERTY SHOWN ON THIS PLAN (BOOK 8575 PAGE 92 OF THE CORD) AND THE ADJACENT PROPERTY (MARGINAL WAY PROPERTIES, INC. BOOK 8575, PAGE 92) IF SUCH A CONNECTION IS REQUIRED BY THE CITY OF PORTLAND AND FOR SUCH ADJACENT PROPERTY (DASHED AREA SHOWS APPROVED DESIGN)

**NOTE:**  
SECTION 14-299  
(g) BUILDING ENTRANCES.  
ALL BUILDINGS SHALL HAVE A MINIMUM OF ONE (1) PUBLIC PEDESTRIAN ENTRANCE FACING THE STREET FRONTAGE OF THE LOT. SUCH BUILDING ENTRANCES SHALL ALSO BE REVIEWED UNDER THE B-7 BAYSIDE DESIGN STANDARDS



PROPOSED BUILDING PLANS ARE PROVIDED BY CWS ARCHITECTS DATED 11.11.2016

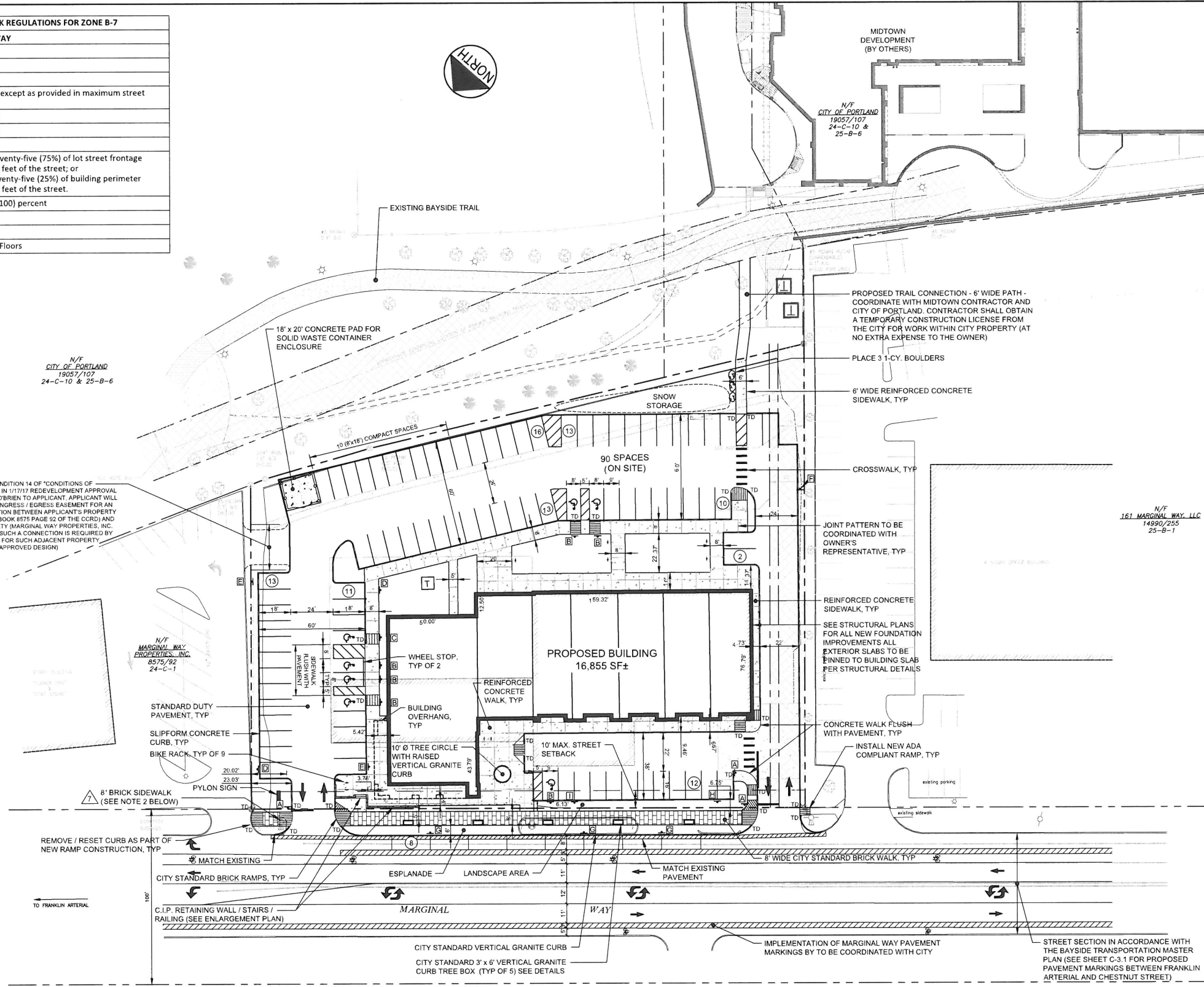
PROPOSED TOTAL PARKING SPACES: 90

**PLAN REFERENCE:**

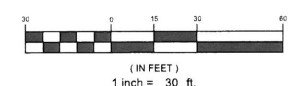
BACK COVE SOUTH STORAGE CONDUIT PAVEMENT MARKING PLAN STATIONS 34+00 TO 46+00 - CONTAINED IN BAYSIDE TRANSPORTATION MASTER PLAN REPORT

**FLOOD ZONE NOTE**

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE C OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 230051 13B, WHICH BEARS AN EFFECTIVE DATE OF JULY 17, 1986 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.



- NOTE:**
- THE OWNER SHALL BE RESPONSIBLE FOR THE CONTROL OF LIGHT LEVELS ON THE PROPERTY TO MAINTAIN A MAXIMUM COVERAGE OF 5.0 FC IN ACCORDANCE WITH THE CITY OF PORTLAND SITE LIGHTING TECHNICAL STANDARDS. THIS MAY INCLUDE THE USE OF DIMMER CONTROLS TO ACHIEVE COMPLIANCE.
  - THE SIDEWALK SHALL BE CONSTRUCTED WITH A MINIMUM CLEARANCE OF 5' ON ONE SIDE OF THE UTILITY POLE.



REVISION	BY	DATE
1	APPD.	16.07.22
2	SRB	16.11.10
3	SRB	16.12.15
4	SRB	17.02.20
5	SRB	17.02.22
6	SRB	17.04.12

FILE NAME	DESIGNED	CHECKED	DESIGNED	DATE
195350354 SP	DWN.	SRB	SRB	16.07.19

Permit-Seal



Client/Project  
EARL W. NOYES & SONS

191 MARGINAL WAY REDEVELOPMENT

PORTLAND, MAINE

Title  
SITE LAYOUT PLAN

Project No. 195350354 Scale 1" = 30'

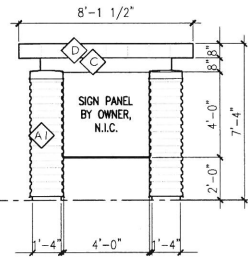
Sheet

CITY OF PORTLAND - CHAPTER 14 LAND USE CODE  
DIVISION 22. SIGNS  
REVIEW OF SIGNAGE ALLOWANCES IN B-7 ZONE

APPLICABLE SIGN TYPES ALLOWED BY PERMIT:

TABLE 2.8 SIGN REGULATIONS BY ZONE - 2.8 SIGN REGULATIONS FOR B-3 DOWNTOWN BUSINESS, B-5 URBAN COMMERCIAL, B-6 AND B-7 MIXED USE URBAN, WC WATERFRONT CENTRAL, AND EWP, EASTERN WATERFRONT PORT ZONES

- MAX CUMULATIVE SIGN AREA: N/A
- FREESTANDING: ALLOWED FOR RETAIL C, 1, 2, 3, 4 AND 5 SINCE THEIR FACADES ARE SET BACK MORE THAN 20' FROM THE RETAIL A+B TENANT FACADE. ONE FREESTANDING SIGN IS LOCATED ON THE SITE PLAN.
- BUILDING ID SIGNAGE: ALLOWED: 1 PER FACADE, 5% MAX OF FACADE WALL AREA PROPOSED: ONLY ON THE EAST AND NORTH FACADES.
- GROUND FLOOR TENANT SIGNS: 1 PER TENANT, 2 SF PER LF OF TENANT FACADE (IF MORE THAN ONE (1) STREET FRONTAGE, ONE (1) ADDITIONAL SIGN FOR EACH ADDITIONAL FRONTAGE (A)  
(A): THE PORTLAND PLANNING AUTHORITY HAS ENCOURAGED THE APPLICANT TO DEVELOP THE PROPERTY WITH DUAL TENANT ENTRANCES FACING BOTH MARGINAL WAY AND THE BAYSIDE TRAIL. THE APPLICANT CONSIDERS THAT THE BAYSIDE TRAIL TO BE CONSIDERED A 'STREET', ALBEIT A BICYCLE AND PEDESTRIAN WAY, SINCE THE APPLICANT AGREED TO ACCOMMODATE THE CITY'S REQUESTED PARKING LOCATION AT THE REAR.



**A2** SITE SIGNAGE ELEVATION  
REFERENCED FROM: PLANS SCALE: 1/4" = 1'-0"

**B2** CODE REFERENCE

**EXTERIOR FINISH LEGEND**

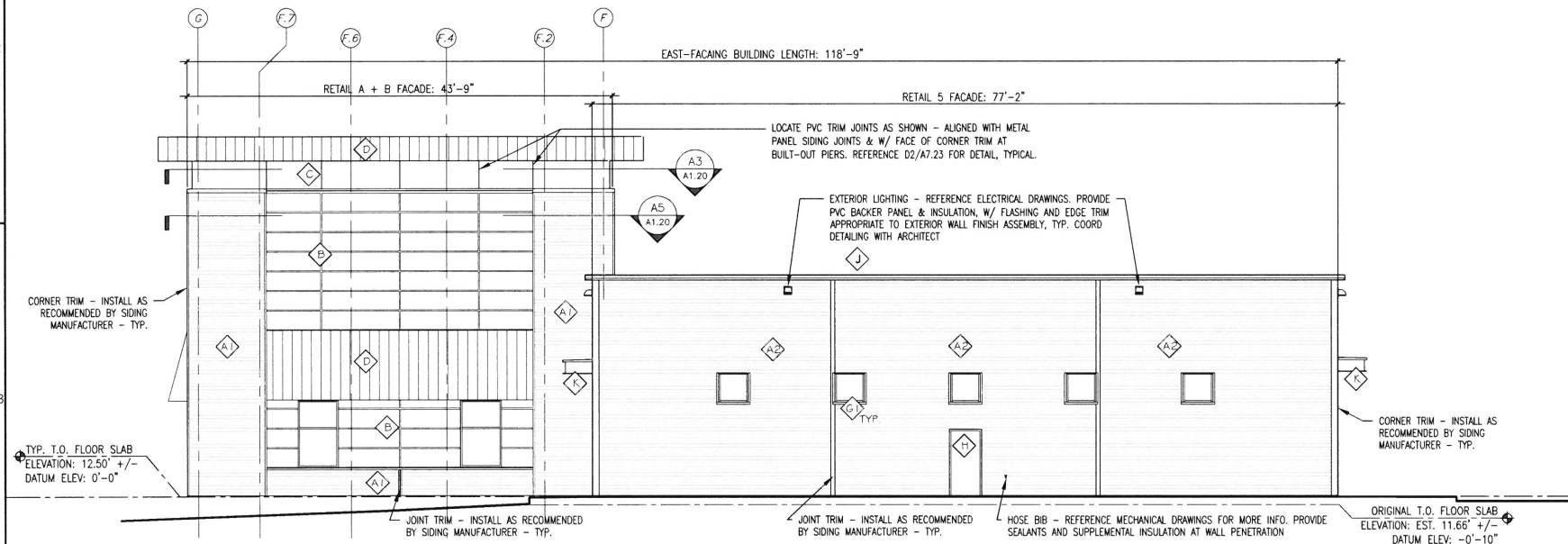
CODE	MATERIAL	MANUFACTURER	PRODUCT, STYLE AND COLOR	FINISH	REMARKS / NOTES
A	UNINSULATED HORIZ METAL PANELS	REF SPEC. SECT.: 074213	EXPOSED FASTENER HORIZONTAL METAL WALL PANELS; COLOR TO BE SELECTED BY ARCHITECT FROM MFR STANDARD COLOR OPTIONS	FACTORY	-
A2	INSULATED HORIZ METAL PANELS	REF SPEC. SECT.: 074214	INSULRIB 7.2	FACTORY	-
B	METAL PANELS	REF SPEC. SECT.: 074215	CF ARCHITECTURAL WALL PANEL; 2'X8' REVEAL PATTERN, PANEL SIZE TBD; COLOR: SW7565 "OYSTER BAR"	FACTORY	-
C	PVC SHEET FASCIA	TBD	PVC PANEL, AS DETAILED; REF ELEVATIONS FOR JOINT LAYOUT; COLOR: WHITE, TBD	PAINT	-
D	METAL ROOF PANELS	REF SPEC. SECT.: 074113	PRE-FINISHED STANDING SEAM METAL PANEL ROOFING SYSTEM; COLOR: "CARDINAL RED"	FACTORY	-
E	ALUMINUM FRAME FABRIC AWNING	TBD	TBD	FACTORY	-
F	ALUMINUM STOREFRONT	KAWNEER	451T; COLOR: "BONE WHITE" WITH PPG SOLARBAN 60, LVT=70% (SEE SPEC)	FACTORY	-
F2	ALUMINUM STOREFRONT	KAWNEER	451T; COLOR: "BONE WHITE" WITH PPG SOLARBAN 60, LVT=70% (SEE SPEC)	FACTORY	-
F3	ALUMINUM STOREFRONT	KAWNEER	451T; COLOR: "MEDIUM BRONZE" WITH PPG SOLARBAN 60, LVT=70% (SEE SPEC)	FACTORY	-
G	NOT USED	-	-	-	-
H	EXTERIOR DOORS	TBD	INSULATED HOLLOW METAL - REF DOOR SCHEDULE; COLOR: MATCH "MEDIUM BRONZE"	PAINT, GLOSS	-
J	BREAK METAL FASCIA AND CORNICE	TBD	COLOR: "BONE WHITE"	FACTORY	-
K	EXPOSED STRUCTURAL STEEL	TBD	COLOR: TBD	TNEMIC PAINT	-
L	METAL SOFFIT PANELS	REF SPEC. SECT.: 074216	CONCEALED FASTENER METAL SOFFIT PANEL; REF RCP FOR JOINT LAYOUT; COLOR: WHITE - TO BE SELECTED BY ARCHITECT, FROM MFR STANDARD COLOR OPTIONS	FACTORY	-

**CWS ARCHITECTS**  
ARCHITECTURE | INTERIOR DESIGN

264 US Route One Box 6, Suite 100-2A  
Scarborough ME 04074  
OFFICE: 207.774.4441 CWSARCH.COM

DESIGNER

CWS ARCHITECTS  
ARCHITECTURE | INTERIOR DESIGN  
264 US ROUTE ONE  
BOX 6, SUITE 100-2A  
SCARBOROUGH, MAINE 04074  
P: 207.774.4441  
F: 207.774.4016  
WWW.CWSARCH.COM



**A3** SIDE (WEST) ELEVATION  
REFERENCED FROM: PLANS

SCALE: 1/8" = 1'-0"

**191 Marginal Way Plaza**

Building ID Signs (1) Allowabel Areas (choose two sides)	Area of Wall (SF) 5% of Wall Area (SF)	Marginal Way	Bayside Trail	AT&T/Planet Dog	Office Bldg
		North	South	East	West
	287.25	5745.00	3678.00	3304.00	5560.00

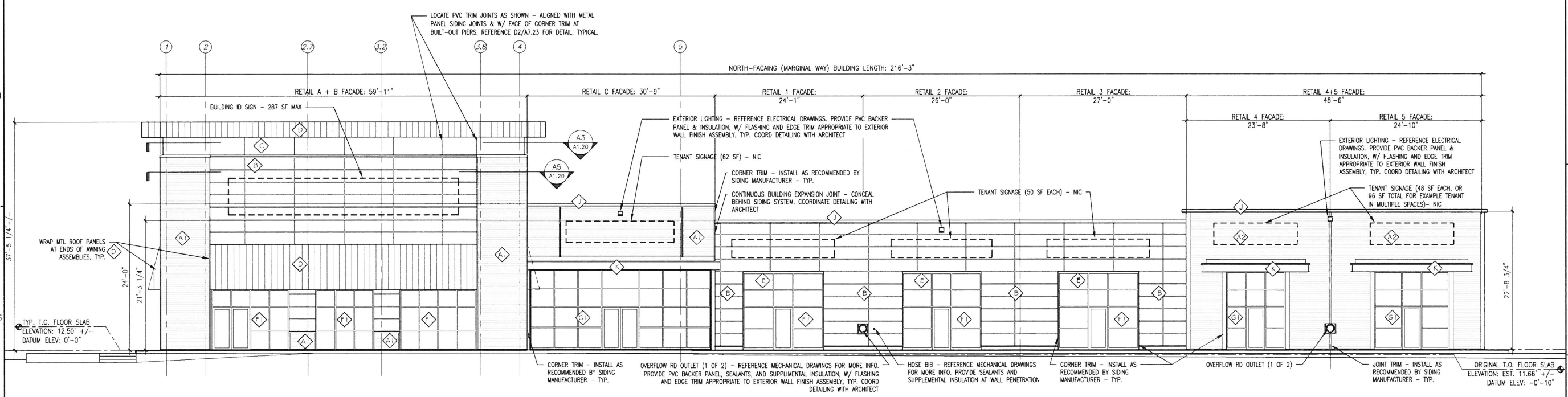
  

Ground Floor Tenant Signs	2 SF per LF of Façade	LF	See Individual Tenant Spaces Below			
Front	Retail A/B	58	116	N/A	N/A	N/A
Rear	Retail A/B	50	N/A	100	N/A	N/A
Front + Rear	Retail C	31	62	62	N/A	N/A
Front + Rear	Retail 1	25	50	50	N/A	N/A
Front + Rear	Retail 2	25	50	50	N/A	N/A
Front + Rear	Retail 3	25	50	50	N/A	N/A
Front + Rear	Retail 4 (2)	24	48	48	N/A	N/A
Front + Rear	Retail 5 (2)	24	48	48	N/A	N/A
Front + Rear	(2) or Retail 4-5	48	96	96	N/A	N/A

(1) Sec. 14-369 - Computation of individual signs: "... the area of the sign face shall be computed by means of the smallest square, circle, rectangle, triangle or simple polygon that will encompass the extreme limits of the writhing, representation, emblem or other display, together with any material or color forming and integral part of the background of the display, but not any supporting framework, bracing or decorative fence or wall when such fence is clearly incidental to the display itself."  
(2) Combined Retail Space Example (if one tenant takes multiple spaces)

**E3** LEGENDS AND TABLES  
REFERENCED FROM: BUILDING ELEVATIONS

SCALE: N/A



**A5** FRONT (NORTH) ELEVATION  
REFERENCED FROM: PLANS

SCALE: 1/8" = 1'-0"

OWNER

PROJECT

DRAWING

REVISIONS

DRAWING NUMBER  
**A3.00**  
SCALE: AS NOTED  
DATE: 03/15/2017

EARL W. NOYES & SONS  
C/O PAUL URENECK

191 MARGINAL WAY  
RETAIL CENTER

BUILDING ELEVATIONS  
& MASTER SIGNAGE  
PLAN

RE: CITY OF PORTLAND COND. 03/24/2017  
OF APPROVAL

4600 MAYFLOWER HILL  
WATERVILLE, ME 04901  
T: 202-859-4617

191 MARGINAL WAY  
PORTLAND, MAINE 04101  
CWS PROJECT NUMBER: 15.063

CITY OF PORTLAND - CHAPTER 14 LAND USE CODE  
DIVISION 22. SIGNS  
REVIEW OF SIGNAGE ALLOWANCES IN B-7 ZONE

APPLICABLE SIGN TYPES ALLOWED BY PERMIT:

TABLE 2.8 SIGN REGULATIONS BY ZONE - 2.8 SIGN REGULATIONS FOR B-3 DOWNTOWN BUSINESS, B-5 URBAN COMMERCIAL, B-6 AND B-7 MIXED USE URBAN, WC WATERFRONT CENTRAL, AND EWP, EASTERN WATERFRONT PORT ZONES

- MAX CUMULATIVE SIGN AREA: N/A
- FREESTANDING: ALLOWED FOR RETAIL C, 1, 2, 3, 4 AND 5 SINCE THEIR FACADES ARE SET BACK MORE THAN 20' FROM THE RETAIL A+B TENANT FAÇADE. ONE FREESTANDING SIGN IS LOCATED ON THE SITE PLAN.
- BUILDING ID SIGNAGE: ALLOWED: 1 PER FAÇADE, 5% MAX OF FAÇADE WALL AREA PROPOSED: ONLY ON THE EAST AND NORTH FACADES.
- GROUND FLOOR TENANT SIGNS: 1 PER TENANT, 2 SF PER LF OF TENANT FAÇADE (IF MORE THAN ONE (1) STREET FRONTAGE, ONE (1) ADDITIONAL SIGN FOR EACH ADDITIONAL FRONTAGE (A)  
(A): THE PORTLAND PLANNING AUTHORITY HAS ENCOURAGED THE APPLICANT TO DEVELOP THE PROPERTY WITH DUAL TENANT ENTRANCES FACING BOTH MARGINAL WAY AND THE BAYSIDE TRAIL. THE APPLICANT CONSIDERS THAT THE BAYSIDE TRAIL TO BE CONSIDERED A "STREET", ALBEIT A BICYCLE AND PEDESTRIAN WAY, SINCE THE APPLICANT AGREED TO ACCOMMODATE THE CITY'S REQUESTED PARKING LOCATION AT THE REAR.

### EXTERIOR FINISH LEGEND

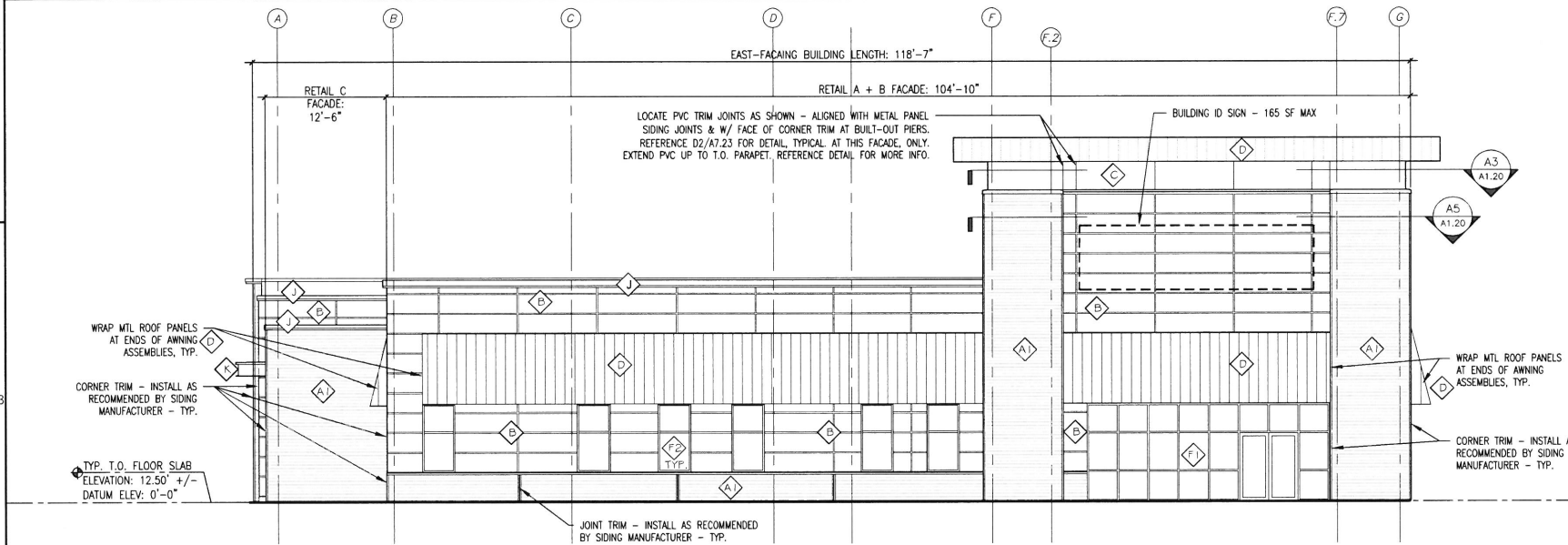
CODE	MATERIAL	MANUFACTURER	PRODUCT, STYLE AND COLOR	FINISH	REMARKS / NOTES
A	UNINSULATED HORIZ METAL PANELS	REF SPEC. SECT.: 074213	EXPOSED FASTENER HORIZONTAL METAL WALL PANELS; COLOR TO BE SELECTED BY ARCHITECT FROM MFR STANDARD COLOR OPTIONS	FACTORY	-
B	INSULATED HORIZ METAL PANELS	REF SPEC. SECT.: 074214	INSULRIB 7.2	FACTORY	-
C	METAL PANELS	REF SPEC. SECT.: 074215	CF ARCHITECTURAL WALL PANEL; 2'x8" REVEAL PATTERN. PANEL SIZE TBD; COLOR: SW7565 "OYSTER BAR"	FACTORY	-
D	PVC SHEET FASCIA	TBD	PVC PANEL, AS DETAILED; REF ELEVATIONS FOR JOINT LAYOUT; COLOR: WHITE, TBD	PAINT	-
E	METAL ROOF PANELS	REF SPEC. SECT.: 074113	PRE-FINISHED STANDING SEAM METAL PANEL ROOFING SYSTEM; COLOR: "CARDINAL RED"	FACTORY	-
F	ALUMINUM FRAME FABRIC AWNING	TBD	TBD	FACTORY	-
G	ALUMINUM STOREFRONT	KAWNEER	451T; COLOR: "BONE WHITE" WITH PPG SOLARBAN 60, LVT=70% (SEE SPEC)	FACTORY	-
H	ALUMINUM STOREFRONT	KAWNEER	451T; COLOR: "BONE WHITE" WITH PPG SOLARBAN 60, LVT=70% (SEE SPEC)	FACTORY	-
I	ALUMINUM STOREFRONT	KAWNEER	451T; COLOR: "MEDIUM BRONZE" WITH PPG SOLARBAN 60, LVT=70% (SEE SPEC)	FACTORY	-
J	NOT USED	-	-	-	-
K	EXTERIOR DOORS	TBD	INSULATED HOLLOW METAL - REF DOOR SCHEDULE; COLOR: MATCH "MEDIUM BRONZE"	PAINT, GLOSS	-
L	BREAK METAL FASCIA AND CORNICE	TBD	COLOR: "BONE WHITE"	FACTORY	-
M	EXPOSED STRUCTURAL STEEL	TBD	COLOR: TBD	THEMIC PAINT	-
N	METAL SOFFIT PANELS	REF SPEC. SECT.: 074216	CONCEALED FASTENER METAL SOFFIT PANEL; REF RCP FOR JOINT LAYOUT; COLOR: WHITE - TO BE SELECTED BY ARCHITECT, FROM MFR STANDARD COLOR OPTIONS	FACTORY	-

CWS ARCHITECTS  
ARCHITECTURE | INTERIOR DESIGN

264 US Route One Box 6, Suite 100-2A  
Scarborough ME 04074  
OFFICE: 207.774.4441 CWSARCH.COM

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### A2 CODE REFERENCE



### A3 SIDE (EAST) ELEVATION

SCALE: 1/8" = 1'-0"

### E3 EXTERIOR LEGENDS AND TABLES

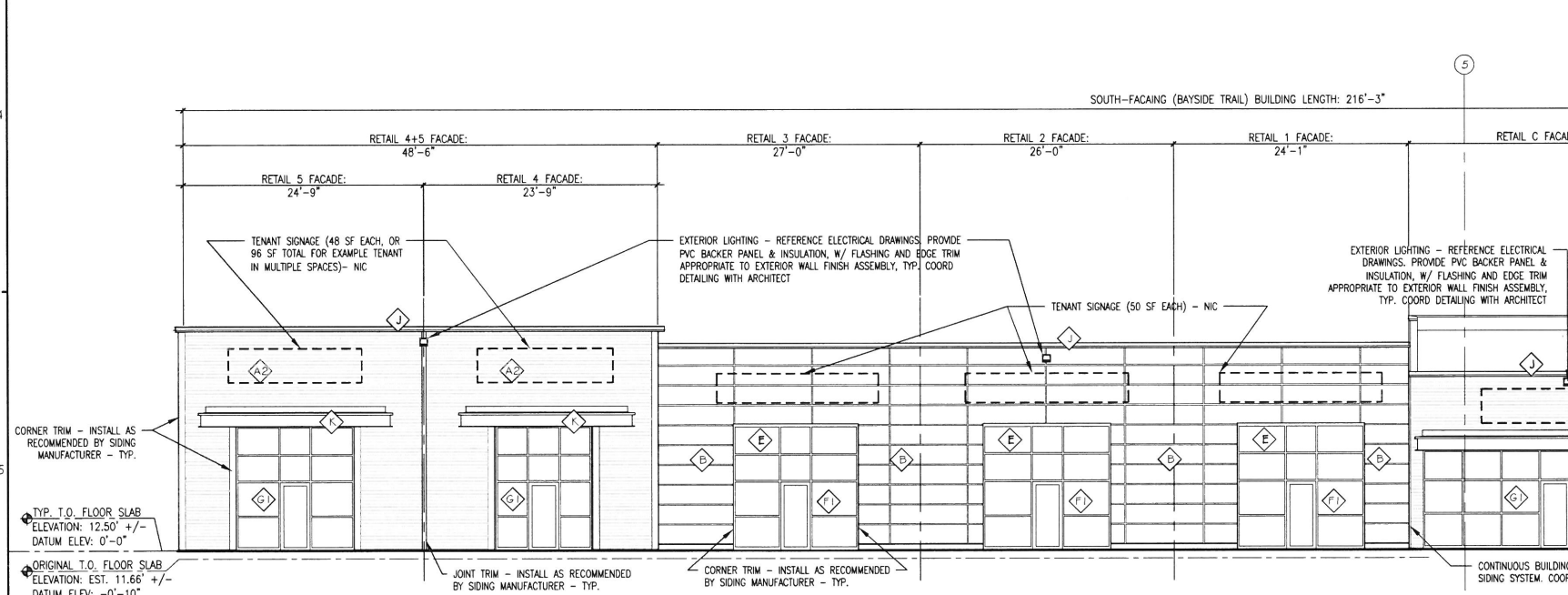
REFERENCED FROM: BUILDING ELEVATIONS

SCALE: N/A

		Marginal Way	Bayside Trail	AT&T/Planet Dog	Office Bldg
		North	South	East	West
Building ID Signs (1) Allowable Areas (choose two sides)	Area of Wall (SF)	5745.00	3678.00	3304.00	5560.00
	5% of Wall Area (SF)	287.25	183.90	165.20	278.00
Ground Floor Tenant Signs	2 SF per LF of Façade	See Individual Tenant Spaces Below			
Front	Retail A/B	58	116	N/A	N/A
Rear	Retail A/B	50	N/A	100	N/A
Front + Rear	Retail C	31	62	62	N/A
Front + Rear	Retail 1	25	50	50	N/A
Front + Rear	Retail 2	25	50	50	N/A
Front + Rear	Retail 3	25	50	50	N/A
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(2) Combined Retail Space Example (if one tenant takes multiple spaces)

### A5 REAR (SOUTH) ELEVATION



### A5 REAR (SOUTH) ELEVATION

SCALE: 1/8" = 1'-0"

DESIGNER

OWNER

PROJECT

DRAWING

REVISIONS

EARL W. NOYES & SONS  
C/O PAUL URENECK  
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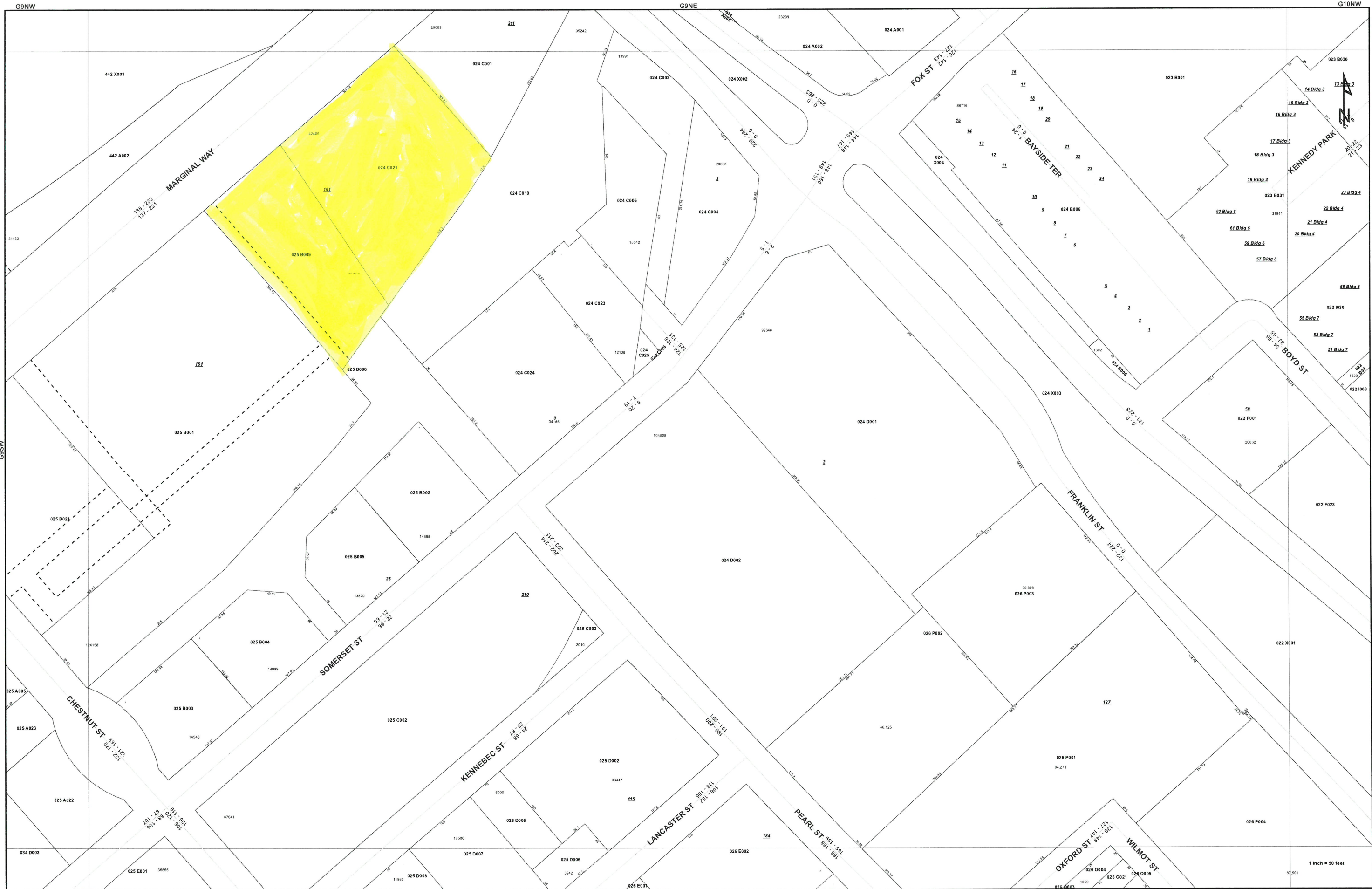
191 MARGINAL WAY  
RETAIL CENTER  
191 MARGINAL WAY  
PORTLAND, MAINE 04101

BUILDING ELEVATIONS  
& MASTER SIGNAGE  
PLAN  
CWS PROJECT NUMBER: 15-063

NO.	DATE	DESCRIPTION
1	03/24/2017	RE: CITY OF PORTLAND COND. OF APPROVAL

DRAWING NUMBER  
**A3.01**

SCALE: AS NOTED  
DATE: 03/15/2017



G9NW

G9NE

G10NW

G9SW

G10NE

F9NW

F9NE

F10NW