

3. However, even in these examples, there may be a Change of Land Use if there is a substantial change in the character, quality, or intensity of use. For example, an adult nightclub succeeding a breakfast cafe is a Change of Land Use, even though both may be called "restaurants" because they serve food. Similarly, a used car dealership succeeding a flower shop is a Change of Land Use, even though both may be called "retail stores" because they sell goods to consumers. In contrast, a record store or clothing store succeeding a book store, or one pizzeria succeeding another, would not be a Change of Land Use, except in unusual circumstances.
  4. All determinations as to whether a project involves a Change of Land Use will be made by the Planning Board, or their designee. Such decisions do not require a public hearing.
- C. *Exceptions* - These regulations do not apply to, and Site Plan Review is not required for, the following:
1. Any development or expansion of a single-family or two-family dwelling or home business professional (as defined in 203-4 of these regulations) or of any use or building accessory to such uses.
  2. Any permitted change from another land use to a single-family or two-family dwelling, or to a home business professional
- D. *Waiver of Site Plan Review* - A waiver of Site Plan Review may be granted, at the Planning Boards discretion, if the proposed development conforms to the Henniker Zoning Ordinance and does not:
1. Require additional parking
  2. Change the utilities
  3. Affect abutters
  4. Have an impact on the surrounding neighborhood, or
  5. Require any State or Federal permits.

If the proposed development fails to satisfy any of the criteria in Article V, Standards of Review, the project will not be granted a waiver.

A waiver can be granted only at a public meeting of the Planning Board and requires a written request from the applicant, authorization from the property owner (if different), and a plan/sketch/map and description of the property and the proposed project, all of which must be submitted at least 1 week in advance of the next regularly scheduled Planning Board meeting. The information supplied must efficiently inform the Planning Board of the nature and scope of the proposed project and why a waiver is warranted.

E. *Applicability for Multi-Use Buildings*

1. Multi-Use buildings are defined as a building that has 2 or more businesses located in the building.