

REGULATORY AUDIT

Town of Warner



New Hampshire



Prepared by the Central New Hampshire Regional Planning Commission in Coordination with the Warner
Housing Committee
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1. Overview

The Central New Hampshire Regional Planning Commission completed a regulatory audit of the Warner Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations. This summary groups the findings into like-categories. Each of the findings recommends a suggested change to the regulatory framework and takes all three documents into account together, along with recent changes in state law. These recommendations would likely take several years, and could be prioritized by the Planning Board in terms of short, intermediate, and long-term priorities. The full analysis tables can be found in the Appendix.

2. Zoning Ordinance Findings

The Zoning Ordinance findings identified a few categories that the recommendations fall under. These include:

Increased Opportunities for Housing Types
Opportunities for Greater Density
Cluster Ordinance Improvements
Workforce Housing Ordinance Improvements
Better Overall Clarity and Compliance with RSAs

A Zoning Ordinance is a “Living Document,” and as such, it is frequently updated by voters to reflect changes in state law, municipal policy priorities, or other emerging issues.

Each of these categories has one or more specific findings and recommendations to address them. As a Zoning Ordinance change, they would require Town Meeting approval.

Results from the Zoning Ordinance:

A. Increased Opportunities for Housing Types:

1. The Use Table indicates that a wide range of housing types are allowed in many areas of the community; some by Special Exception (multi-family developments), which makes their construction less likely. Expanding the list of housing types permitted by right instead of Special Exception could increase housing choice.
2. In Table 1 of the Zoning Ordinance (entitled “Use Regulations”), single family homes are allowed by right in six zoning districts and one by Special Exception, while duplexes are allowed in three districts by right and two by Special Exception. As duplexes do not require site plan review, the Table could be revised to allow duplexes in a manner similar to single family homes.
3. Articles XIII specifies that manufactured housing is only allowed in a park or subdivision. Were Warner to permit manufactured homes on single lots of record, it could increase the affordable housing opportunities.

4. Warner could consider converting many of the residential uses allowed by Special Exception from the Zoning Board of Adjustment, to instead be allowed by Conditional Use Permit (CUP) by the Planning Board. A CUP is a type of permit issued by the Planning Board under RSA 674:21, that allows some Zoning Board-like functions, such as relaxing density requirements or permitting certain uses. For Warner, these could include multi-family and conversion to multi-family in C-1 and R-3, and workforce housing multi-family in C-1, R-3, and INT. This would eliminate the need to go to two boards for one project.

B. Opportunities for Greater Density

1. Three districts (the R1, B1, and the C1) allow for higher density (less than an acre, or 43,560 square feet), the R2 District allows for moderate density (40,000 square feet with Town sewer or 2-acres without), and the R3, OC1, and OR Districts have significantly larger lot sizes (three and five acres). The larger lot size districts make up approximately 89% of Warner's land area, with about 67% alone requiring 5-acres. These larger lot requirements can result in greater costs for the development of new housing in the majority of the community. Revising the zoning to allow for smaller lot sizes can lower cost of land acquisition during development.
2. Manufactured housing in a park or subdivision shall not exceed 25 units. Greater density in manufactured home parks and subdivisions could be permitted to allow for more units.
3. In Section IV General Provisions Section L states that no more than one permanent primary structure containing residences shall be permitted on a single lot (subject to other provisions). This language prevents any Village Cluster, or tiny home development. It also works against any increase in density in core areas and any mixed-use development. It could also be revised to allow more than one housing unit, as well as a greater variety of housing units on single lots.
 - Village Cluster: a higher-density cluster development in a village area.
 - Cluster Condominium: a form of cluster development under condominium ownership with units (detached or attached) and common areas.
 - Tiny Home Development: a cluster development where the homes are approximately 200 to 700 square feet in size.
4. In Section IV General Provisions Section K states that the minimum Buildable Area shall be increased by 1/2 the minimum Buildable Area for single family dwellings in that particular district for each dwelling unit in excess of one (1), up to a maximum of four (4) dwelling units. This could limit multi-family buildings to a maximum of four units

without a variance from the ZBA. It also works against any increase in density in core areas, as well as any mixed-use development. Warner could revise this to eliminate the number of units per building and relax the density requirement where appropriate in higher-density parts of town.

C. Cluster Ordinance Improvements

1. “Village Cluster” and “Cluster Condominium” are often innovative ways to allow for different types of cluster developments. Warner currently does not define the terms, nor are they addressed in the table of uses. These terms could be defined and added to the Table of Uses, allowing them in some districts where other types of cluster developments are permitted.
2. Minimum lot size requirements, lot dimensional requirements, and buildable land requirements can result in fewer lots in a conservation subdivision than in a conventional subdivision. The density calculation process in Article XIV, Open Space, could be improved to make it easier to use. For example, a simple density calculation could involve deducting a percentage of the initial parcel for wetlands, roads, drainage, and common areas (say 20%), and then dividing by the minimum lot size for the district in which the lot is located. Taking a 50 acre lot in the R-2 for example: deducting 10 acres for roads, drainage, etc. results in 40 acres. Divide the 40 acres by two acres and the resulting base density is 20 units. Finally, clustering should not result in less units than may otherwise be possible in a conventional subdivision (such as, the R2 where sewer must be available).

D. Workforce Housing Improvements

1. The Workforce Housing Ordinance (Section XIV-A) has several areas that could be improved. The Ordinance invokes RSA 674:21, but it does not explicitly state that the Planning Board administers it, nor which permit is required. Section XIV-A.C.5.b indicates that open space design is required, which is how many workforce housing ordinances achieve affordability, but Section XIV-A.C.3 establishes density calculations processes that are somewhat complicated and can actually result in less units than a conventional subdivision might yield (See C.2 above for an example of a simple base density calculation process). Lastly, Section XIV-A.G requires that lots must comply with the dimensional standards of the underlying zone which is inconsistent with the economic benefits of clustering. These features, taken together, could be defeating the purpose of the Ordinance.

The Workforce Housing Ordinance could be revised to provide clarity on the Planning Board's authority; on how density is determined (for example, as in C.2 above); and, allow for clustering and relaxing of lot sizes for all workforce housing proposals. Additionally, make the density calculation process in Article XIV, Open Space, easier to

apply, and to provide density bonus incentives for the inclusion of desired open space or other features such as senior housing, etc.

E. Better Overall Clarity And Compliance with RSAs

1. The ordinance was last amended in March of 2026 to comply with changes made in state law regarding Accessory Dwelling Units. Additional revisions need to be made to comply with statute changes permitting multi-family developments in commercial zones with “adequate infrastructure.” Warner should continue to revise the zoning ordinance to comply with the new multi-family statute, and amend the document on a regular basis to comply with annual changes in state law.
2. The Intervale District lays out an innovative mixed used zone. The description of the District in Article XI-A does not seem to provide enough clarity for the intent of the district. Article XI-A should be revised for better clarity, and to ensure that what is permitted matches the purpose of the district.
3. There is no certificate of occupancy provision in the Zoning Ordinance. A certificate of occupancy is a tool to ensure compliance with building permits, as well as any site plan, subdivision, or conditional use permit requirements. Add provisions indicating that a certificate of occupancy is required for all residential and non-residential uses.

3. Site Plan Regulation Findings

The Site Plan Regulation findings identified the following categories:

Better Overall Process, Clarity, and Compliance with RSAs
Better Clarity About Design Requirements
Plan Elements and Application Items
Post-Construction Requirements
Edit Definitions
Consistency with Subdivision Regulations

To implement any of the recommended changes to the Site Plan Regulations, the Planning Board would need to hold a public hearing with ten days public notice (Town Meeting is not required for changes to the regulations).

A. Better Overall Process, Clarity, And Compliance with RSAs

1. No appeals section is in the document. Develop an appeals section based on RSA 677:15.
2. Applicants often need to reach out to discuss application processes and no such positions are listed. Establish a list of position contacts in the regulations.

3. Major and minor subdivisions should be in the Site Plan Regulations to provide clarity about submittal requirements. Warner should establish definitions and submittal requirements for major and minor site plans.
4. With major and minor site plan designations, an expedited review option could result in one-meeting approvals for minor site plans that meet all requirements. Consider adding an expedited review option for minor site plans.
5. NH state law establishes the process and reasons for the revocation of a site plan approval. The regulations should clearly describe these elements based on RSA 676:4-a.
6. Changes in state law now limit the number of parking spaces that can be required by zoning or regulation for residential developments to only one space. Revise XIX.B specifying that one space is required per residential unit.
7. Changes to state law have updated the framework for construction bonds. Warner should work with their engineer to update bond section XXIII per revisions to state law.

B. Better Clarity About Design Requirements

1. The regulations specify that utilities and their connections are shown on plans, though no details or requirements for utilities are addressed. Establishing a new section to provide a clear set of requirements for utilities would provide better direction for applicants.
2. Erosion control measures do not seem to fully describe detailed erosion control requirements. Establish a clear erosion control section with current best management practices.

C. Plan Elements and Application Items

1. Dimensions and materials are not often noted as required items for site plans. They should be added as required elements on all site plans, especially for building footprints, parking and access, structural placement, wetland, or other special setbacks.
2. The following should be shown on plans but are not cited as required in the regulations: slopes and grades for all cut and fills, steep slopes, and the type of materials, dimensions, typical details, etc. need to be provided for drainage, and other utility pipes and structures. Regulations should require that these elements be shown on all plans.

3. The regulations are silent on the submittal, review, and standards of legal documents (including easements, deeds, performance guarantees, and contracts). Add section addressing the process for submittal for, and review of legal documents.
4. Special studies (such as traffic impact, community facilities, etc.) are not identified, nor are there any thresholds for when they are to be submitted. Regulations should include standards for what triggers studies, as well as what they should contain.

D. Post-Construction Requirements

1. No requirements for as-built plans or digital copies of subdivision plans are specified. Develop section outlining when an as-built plan is required and what it should include and require digital submittal of all documents.
2. Section XVI briefly describes inspection and that test costs to be borne by the developer, but no inspection details are described. A new section should be added detailing inspections (what is inspected, when its inspected, how, etc.) similar to Section VIII in the Subdivision Regulations.

E. Edit Definitions

1. Some shared definitions are better served in one document or the other, not both. "Abutter" should be removed from zoning, kept in Subdivision Regulations, and adopted by reference in the Site Plan Regulations.
2. Additional definitions should also be in one document or the other, not both. The following terms should be removed from the Site Plan Regulations: "building," "essential services," and "height" as they are more appropriately addressed in the Zoning Ordinance and adopted by reference in the Site Plan Regulations.
3. Several terms are shared between the Site Plan Regulations and Subdivision Regulations. Terms in one document should be adopted by reference in the other to ensure they do not conflict due to future changes. Stipulate that all terms not defined in the Site Plan Regulations shall be defined by the Zoning Ordinance or Subdivision Regulations, as appropriate.

F. Consistency with Subdivision Regulations

1. Conditions of approval are discussed throughout, though no section specifically discusses it similar to Section III.C.10 of the Subdivision Regulations. Establish a section that addresses conditions of approval similar to that of Section III.C.10 in the Subdivision Regulations.

2. Many of the process, RSA, definitions, and administrative items echo similar elements of the Subdivision Regulations. As such, an efficient method to address these items is the creation of a singular, Land Use Development Regulation document (LDR). As much of the Planning Board's process and submittal requirements are similar in both types of applications, one document explaining the requirements can eliminate confusion and make the process more efficient.

4. Subdivision Regulation Findings

The Subdivision Regulation findings identified the following categories:

- Better Overall Process, Clarity, and Compliance with RSAs
- Better Clarity About Design Requirements
- Post-Construction Requirements
- Edit Definitions
- Consistency with Site Plan Regulations

To implement any of the recommended changes to the Subdivision Regulations, the Planning Board would need to hold a public hearing with ten days public notice (Town Meeting is not required for changes to the regulations).

A. Better Overall Process Clarity And Compliance with RSAs

1. Administration is not explicitly described, but Sections I and III deal with administration elements generally, though there is no enforcement section. Add enforcement section per RSA.
2. For ease of use, the notice and hearing process for Developments of Regional Impact (DRI) should be included. Such a section should also describe how a DRI designation affects the approval process and timeline.
3. As in the Site Plan Regulation findings, applicants often need to reach out to discuss application processes. No such positions are listed. Establish a list of position contacts in the regulations.
4. With major and minor subdivisions, an expedited review option could result in one-meeting approvals for minor subdivisions plans

Many of the recommendations and findings in the Site Plan Regulations and Subdivision Regulations are partially found in one document and not the other, or not found in either. In the Site Plan Regulation findings, 18 of the 20 findings are, or should also be the same in the Subdivision Regulations. In the Subdivision Regulation Findings, the ratio is 17 to 20. Lastly, definitions should be consistent amongst the two documents and address terms the Zoning Ordinance does not.

that meet all requirements. Warner could establish an expedited review section to improve efficiency.

5. State law establishes a process for the revocation of approval of subdivisions. As they are spelled out in state statute, the regulations should describe the requirements for the board and applicants to reference. Establish a revocation of approval section based on RSAs.
6. Changes to state law have updated the framework for construction bonds. Similar to the Site Plan Regulations, Warner should work with their engineer to update bond section XXIII per revisions to state law.
7. Section III.C.5.e allows for major subdivisions to be reviewed by third party reviewer, though minor subdivisions may also need to be reviewed by a third party. Update Section III.C.5.e to indicate that all subdivisions can be reviewed by third party reviewers, paid for by the applicant via escrow.

B. Better Clarity About Design Requirements

1. Water and sewer requirements are difficult to ascertain and should be clarified. Establish a new section to provide a clear set of requirements for utilities.
2. The erosion control plan requirements could be updated to better specify best management practices. Establish a clear erosion control section with current best management practices.
3. There are no storm design or drainage standards specified in the regulations. The regulations only specify: "If the storm water drainage system creates increased flows over or increased velocities on other properties, the developer shall obtain easements therefore all owners of said downstream properties or provide appropriate detention facilities to assure existing flow quantities or velocities will not be exceeded." Update stormwater management provisions to be consistent with current NHDES best management practices, including 50-year stormwater management design.
4. There are two classes of roads, Class B and Class C. The Standard Cross Section in Appendix B is legible and informative, but appears to be for a Class C Local Road. There is no similar typical diagram for a Class B Collector Road. Warner should develop a typical diagram for Class B Collector Road(s).
5. There is no mention where sidewalks may be required. Consider adding sidewalks in the road standards to the Subdivision Regulations.

6. Grading, headwall, and embankment standards are not addressed. Adding standards for these items would be beneficial.

C. Post-Construction Requirements

1. No requirements or clarity for As-Built Plans or digital copies of subdivision plans are specified. Warner should develop a section outlining when an As-Built plan is required, and what it should include and require digital submittal of all documents.

D. Edit Definitions

1. Several terms are shared between the Site Plan Regulations and Subdivision Regulations and confusion can result if these terms are different. Retain the following terms in either the Subdivision Regulations or the Site Plan Regulations and in the other document, adopt them by reference: "abutter," "applicant," "building," "floodplain."
2. Several terms are shared between the Subdivision Regulations and Zoning Ordinance. "Abutter," "minor subdivision," and "major subdivision" should come out of the Zoning Ordinance and stay in the regs. The following should come out of the regs and stay in the zoning: "building," "common open space," and "lot." "Frontage" should stay in both, but not conflict.
3. Some terms not defined in the Subdivision Regulations are found in the Zoning Ordinance. Stipulate that all terms not defined in the Subdivision Regulations shall be defined by the Zoning Ordinance or Site Plan Regulations, as appropriate.

E. Consistency with Site Plan Regulations

1. The graphic quality of the Subdivision Regulations could be improved in order to be more consistent with the Site Plan Regulations. The Site Plan Review Regulations are easier to read and follow. Make the visual presentation more consistent with the Site Plan Regulations.
2. Many of the process, RSA, definition, and administrative items echo similar elements of the Site Plan Regulations. As such, an efficient method to address these items is the creation of a singular, Land Use Development Regulation document (LDR). As much of the Planning Board's process and submittal requirements are similar in both types of applications, one document explaining the requirements can eliminate confusion and make the process more efficient.

5. Appendix

The full regulatory audit applied several lines of inquiry to the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations. With regard to the Zoning Ordinance, the audit included a reading and review of the document with an eye toward identifying potential areas for improvement. With the Site Plan and Subdivision Regulations, the audit asked several “questions” of each. The key difference in the analysis method stems from the fact that the Zoning Ordinance is a policy document unique to Warner (with elements such as lot dimensions, density, or allowed uses), while many of the regulation elements are somewhat standard (such as drainage requirements, application timelines, etc.)

While this report identifies trends and makes recommendations, the full list of findings can be found here in this Appendix.