

THE STATE OF NEW HAMPSHIRE  
BOARD OF MANUFACTURD HOUSING

Belinda and Richard Gleason	)	
Complainants	)	
v.	)	Docket No 001-04
Jean Howe (Pine Knoll Village)	)	
Respondent	)	

Hearing held on April 5, 2004 at Concord, New Hampshire.

**DECISION AND ORDER**

The Board of Manufactured Housing (“the Board”) heard a complaint filed by park tenants Belinda and Richard Gleason, (“Complainants”) alleging that Jean Howe, Pine Knoll Village, (“Respondent”) has violated RSA 205-A:2 ,VIII (b), which prohibits the park owner from making or attempting to enforce any rule which requires a tenant to get prior permission of the park owner or operator before an overnight guest can stay in the park; provided, however, a park owner or operator may require prior permission for any guest who stays longer than 30 days, which permission shall not be unreasonably withheld; and RSA 205-A:2, X (a), (b) and (c), failure of the park owner to provide each tenant with the name, address and telephone number of a manager or agent who resides within 10 miles of the park, and be reasonably available to receive reports of the need for emergency repairs within the park, and be authorized to make or contract emergency repairs without specific authorization from the park owner and be authorized to make or contract to make necessary non-emergency repairs if the park owner or operator cannot be reached within a reasonable amount of time. There were also the issues of a vacant mobile home parked across the street from the Gleason home since March 3, 2004, and the matter of the road condition and drainage near the Gleason’s driveway. After considering all testimony and evidence presented to the Board, the Board issues the following order.

## BACKGROUND INFORMATION

A hearing was held on April 5, 2004, in Room 201 of the Legislative Office Building, Concord, New Hampshire. Board members Stephen J. Baker, Rep. Robert J. Letourneau, Kenneth R. Nielsen, Esq., Chairman, Florence E. Quast, Linda J. Rogers, Rep. David H. Russell and George Twigg, III heard this case.

On February 13, 2004, Complainants, Mr. & Mrs. Gleason, filed a complaint with the Board alleging the following issues:

RSA 205-A:2 VIII (b), Complainants denied permission for niece and husband to stay with in their home; RSA 205-A:2 X (a), (b), (c), Complainants not allowed to contact the park manager, Also, road condition and drainage in driveway. The Respondent park owner stated Mrs. Gleason is harassing the park manager and has ordered her to not have any contact with the park manager, to contact her directly. Also, there is the issue of the vacant manufactured home parked across from the Gleason home since March 3, 2004.

On February 18, 2004, Respondent answered the complaint stating Mrs. Gleason requested permission for additional people to move into her home bringing the total occupancy to at least five, and the septic system is not able to handle the excess septic usage. The park had an emergency water leak near the Complainant's home. As a result of the leak, the park installed new water pipes to four homes. The water was shut off for two hours and parties were notified in advance. The park manager lives in the park. Mrs. Gleason prefers to call the manager at her home instead of the office. Respondent told Mrs. Gleason to address all complaints in writing and to refrain from harassing the park manager. The former park manager was upset by Mrs. Gleason's harassment. A letter was written to Mrs. Gleason instructing her to have no further contact with the park manager, to contact the park owner insted. The Respondent provided the Board with a list of Mrs. Gleason's complaints which include:

1. The mobile home parked across her street.
2. Wants a yard sale – says other have them.
3. Wanted friends to move in with them
4. Her driveway drainage.
5. Rude managers.
6. Water purity – she took samples to Town Hall twice.
7. Plowing Park roads in general.

8. Sanding – says it should be done daily.
9. Ruts in the roads – says they are hurting her back.
10. Stone wall on another street – wants it repaired.
11. Poor lawn mowing.
12. Trimming Park lilac bushes across from her home.
13. Cut down a tree – branches get heavy with snow.
14. Remove worms eating up trees
15. No water when repairing water lines – wasn't notified correctly.
16. Open ditch from water repair – granddaughter could fall in.
17. Cable line cut.
18. Water contractors wouldn't stop and tell her what was going on (yelled at them).
19. Wanted handicap ramp in front of her house.
20. Street condition at the mail house.

The Respondent, Ms. Howe, also provided a list of issues with the Complainant, Mrs. Gleason which included:

1. Mrs. Gleason must stop harassing the management, the Town Hall employees, and vendors who come into the Park to do Park work.
2. Mrs. Gleason must obey Park Rules – she must carefully monitor what her bathroom toilet puts in the septic tank, i.e., sanitary napkins, cigarettes, and resultant sludge when pumped out.
3. Mr. Gleason has lived in the Park since 1983 – Mrs. Belinda Gleason since 2000. There were no complaints from the prior Mrs. Gleason.
4. In February of 2001, Ms. Howe suggested meeting with Mrs. Gleason, but Mrs. Gleason never responded. A copy of the letter was submitted
5. Ms. Howe has owned and operated Pine Knoll Village since 1983. She has never had anyone upset people as Mrs. Gleason has. In conclusion, the Respondent, Ms. Howe, added that she wants to counter-sue Mrs. Gleason for harassing the management, a violation of park rules. Ms. Howe stated that Mrs. Gleason must live elsewhere and she cannot tolerate this behavior. Several managers allegedly left because of Mrs. Gleason and Ms. Howe cannot lose another manager.

### **FINDINGS OF FACT**

Complainants, Mr. & Mrs. Gleason presented the Board with testimony as follows: Mrs. Belinda Gleason has been a resident of the park since 2000. There has

been ongoing water and drainage problems in front of the Complainant's property. Mrs. Gleason provided photos showing ruts, deep snow and backed up water and ice in the street in front of the Gleason's driveway. In past years, Mr. Gleason shoveled any snow necessary to keep the drain open, however, given the fact he has performed this function voluntarily over a period of more than 20 years, he feels that he is no longer physically able to continue. Mrs. Gleason testified that the park owner, Ms. Howe, claims that she is harassing the park manager. Mrs. Gleason requested permission for their niece and husband to temporarily move into their home and was told according to the park rules that overnight guests are not allowed beyond eight days. The relatives do not live in the home at the present and it is not an issue now. An eviction notice, dated December 9, 2003, was taped to the Gleason's door for failure to abide by park rules dated April 1, 2001, section 15. A follow-up letter dated February 1, 2004, to Mrs. Gleason from Ms. Howe states "... You are out, not your husband. Get out." A vacant mobile home has been parked across the street from the Gleason's home since March 3, 2004. Mrs. Gleason feels that the home was placed there in order to harass them. Mrs. Gleason, who states that she is disabled and has a motorized chair, requested permission to install a handicap ramp at the front of her home. Mrs. Gleason testified that she met with Ms. Howe concerning the location of the ramp and that Ms. Howe was more concerned about the location of the ramp rather than providing convenient access to the home. The issue has been resolved. Mrs. Gleason addressed the water situation and wants it taken care of. She stated that the septic tank services three homes. Mr. Gleason testified that since 1983, there was only one time that he had a problem with his septic tank and he took care of the problem.

Respondent, Ms. Howe, testified before the Board as follows: She has been the park owner of Pine Knoll Village which is located in Lee, New Hampshire, since 1981. There are approximately 80 homes in the park. Mr. Gleason and his former wife and one child moved into a 2 bedroom home in 1983, and in 1995, when a fire destroyed his home, he purchased a 3 bedroom home from her as a replacement. Mrs. Belinda Gleason has been a resident since 2000. A vacant mobile home has been parked across the street from the Gleason's home since March 3, 2004. Due to snow accumulation the vacant mobile home could not be placed in a more remote area. The Gleason's niece and

husband moved into their home for two and one-half months. The guests do not live in the home at present. According to testimony at the hearing, park rule 15.10 states that any tenant contemplating having a guest stay over eight (8) days must notify the Management of the Park by telephone and in writing. Mrs. Gleason requested permission to install a handicap ramp to her home. Ms. Howe met at Mrs. Gleason's home to determine where to place the ramp. The ramp has been installed, and Mrs. Gleason seemed pleased. An eviction notice, dated December 9, 2003, was taped to the Gleason's door. The Respondent did not pursue enforcement of the eviction letter because she wanted to avoid confrontation. The septic tanks are pumped every two years by the park.

### **RULINGS OF LAW**

**RSA 205-A:2 Prohibition. No person who owns or operates a manufactured housing park shall:**

VIII. Make or attempt to enforce any rule which:

(b) Requires a tenant to get prior permission of the park owner or operator before an overnight guest can stay in the park; provided, however, a park owner or operator may require prior permission for any guest who stays longer than 30 days, which permission shall not be unreasonably withheld.

X. Fail to provide each tenant with the name, address and telephone number of a manager or agent who resides within 10 miles of the park, if the park owner or operator does not reside within 25 miles of the park, which manager or agent shall:

(a) Be reasonably available in person, by means of telephone, or by telephone recording device checked at least twice daily to receive reports of the need for emergency repairs within the park;

(b) Be authorized to make or contract emergency repairs without specific authorization from the park owner or operator; and

(c) Be authorized to make or contract to make necessary non-emergency repairs if the park owner or operator cannot be reached within a reasonable amount of time.

## CONCLUSION AND DISCUSSION

The board finds the following: Mrs. Gleason acknowledged during testimony that two guests were present for longer than 30 days (state of New Hampshire limit without permission). However, the issue is moot as there are no guests remaining on the premises at this time.

Park tenants have a right to register complaints with a manager or agent who resides within ten miles of the park (if the owner or operator does not reside within twenty-five miles of the park). The Respondent owner, Ms. Jean Howe, lives in Marblehead, MA, and is, therefore, obligated to provide the Gleasons with a name, address and phone number to call in case of emergency or public safety issues within the park. (See RSA 205-A:2 Prohibition).

With respect to complaints regarding winter ice and water backup along the street frontage of the subject Gleason property: the Board finds the park owner has an obligation to ensure that park provided street snowplowing does not create dams which result in “ponding” and prevent safe driveway access and normal winter drainage along the Gleason’s driveway frontage and eventually to the wetlands further downhill.

Regarding the temporary storage of a vacant mobile home on the street in close proximity to the Complainant’s property: the Respondent park owner, Ms. Howe, assured the Board that the unit in question would be removed within one week (by April 12, 2004).

On a final note, the Board is concerned by the contentious character of communications, written and verbal, between the parties and a mutual lack of civility characterized by hang-ups and most recently a Notice to Quit, December 21, 2003, with a follow-up letter dated February 1, 2004, to Mrs. Gleason from Ms. Howe stating “You should – after MANY warnings – know that you are being evicted for harassment of the park management – in rules. You are out, not your husband. Get out.”

It is time for closure. Time to bury the hatchet. Time to call a truce. Mr. Gleason has been a tenant in good standing for twenty-one years. Where park rules clearly prohibit certain activities by park tenants, the tenant should refrain from requesting

special exceptions to the rules when denial is likely, thus avoiding any feeling of harassment or discrimination. It is the Board's hope and expectation that the parties can resolve any issues in the future in a civilized context and mutually respectful manner.

Man 203.03 Motions for rehearing, reconsideration or clarification or other such post-hearing motions shall be filed within 30 days of the date of the Board's order or decision. Filing a rehearing motions shall be a prerequisite to appealing to the superior court in accordance with RSA 204-A:28,II

**SO ORDERED**  
**BOARD OF MANUFACTURED HOUSING**

By: \_\_\_\_\_

Kenneth R. Nielsen, Esq., Chairman

**Members participating in this action:**

Stephen J. Baker  
Rep. Robert J. Letourneau  
Kenneth R. Nielsen, Esq.  
Florence E. Quast  
Linda J. Rogers  
Rep. David H. Russell  
George Twigg, III

**CERTIFICATION OF SERVICE**

I hereby certify that a copy of the forgoing Order has been mailed this date, postage prepaid, to Belinda & Richard Gleason, 58 Pine Knoll Village, Lee, NH 03824-6637 and Jean Howe, Pine Knoll Village Central Bookkeeping, P.O. Box 1024, Dover, NH 03821-1024.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Anna Mae Twigg, Clerk  
Board of Manufactured Housing



**BOARD MEMBERS CONCURRENCE**

**Belinda & Richard Gleason v. Jean Howe (Pine Knoll Village)  
Docket No. 004-01**

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STEPHEN J. BAKER

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REP. ROBERT J. LETOURNEAU

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KENNETH R. NIELSEN, ESQ.

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FLORENCE QUAST

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LINDA J. ROGERS

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REP. DAVID H. RUSSELL

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GEORGE TWIGG, III

Order Gleason 001-04