

**STATE OF NEW HAMPSHIRE  
BOARD OF MANUFACTURED HOUSING**

<b>Thomas F. Moughan</b>	)	<b>Docket No. 15-04</b>
<b>“Complainant”</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>Ann Guttadauro, as General Manager</b>	)	
	)	
<b>And</b>	)	
	)	
<b>Lamplight Mobile Home Park, LP</b>	)	
<b>“Respondent”</b>	)	

Meeting held on November 13, 2015 at Concord, New Hampshire.

**RULING**

This matter came on for hearing before the Board of Manufactured Housing (hereinafter referred to as the Board) on the complaint of Thomas Moughan (hereinafter referred to as the Complainant) against Ann Guttadauro, as General Manager and Lamplighter Mobile Home Park, LP (hereinafter collectively referred to as the Respondent) alleging the Respondent’s conduct to be in violation of RSA 205-A:2, VII and RSA 205-A:2, XI. At the hearing, the Petitioner appeared pro se. Attorney Donald R. Routhier appeared for the Respondent. After careful consideration of all the evidence presented, including the exhibits offered and the testimony adduced, the Board finds the following facts and makes the following rulings:

**FINDINGS OF FACT**

The Complainant resides in the Respondent’s manufactured housing community in North Conway, New Hampshire. In his complaint he alleges violations of RSA 205-A:2, VII. and RSA 205-A:2, XI seeking a ruling from the Board that his parking area constitutes common area, is a part of the roadway, and therefore should be “maintained” by the Respondent.

The Complainant has resided at his present location in the park since 2007. While most home sites have a driveway for parking, the Complainant’s parking area is in a designated area contiguous to the front of his homesite. Historically, the park has plowed the travel portion of the street, while the Complainant has been responsible for snow

removal from his parking area which is recessed from the travel portion of the road into his homesite and banked by a somewhat semicircular wall of railroad ties. From this area is a set of steps leading to his home. There appears to be sufficient parking for two vehicles parallel to the road within the recessed area. There was testimony that the paved portion of the parking area meets the street approximately 14 feet from the grassed lot. There are approximately 9 other households who have the same arrangement, viz.: they park their vehicles off the traveled portion of the road, their parking is exclusive, similarly cut into their homesite off the traveled portion of the street, and they are responsible for snow removal from their parking area. The Complainant argues that his parking is not a part of his home site, is not a driveway and therefore he should not be responsible for keeping it clear and accessible for parking as the rules regarding driveways do not apply to his situation. And while it has been longstanding practice for him, and those residents similarly situated, to remove snow, there was testimony he has stated that he is getting up in years and does not want to snow blow anymore, or pay for plowing, and that it should be the park who plows his parking area. He testified that he has requested information relative to his property boundary and has been asking for the information for the past five years. The response he received is that the lot lines are where they are historically understood to be by residents. On cross-examination, the Complainant admitted he had used the designated parking area as his exclusive parking since he moved into the park, although he claims now that it is common area. Perhaps in an effort to support this argument he asserts that others could park in this area, and it is not his exclusive right to park there. He offered no testimony or evidence that the area in question in fact is offered for the use of all, or that anyone has actually parked in the area without his express or implied permission.

The Respondent presented the testimony of Burr Phillips, a professional engineer, who opined that the designated parking area is in fact a driveway and that because of the topography of the land and its steepness, the Complainant's driveway was designed to run parallel to the road, and not perpendicular. He testified that the Complainant's lot line extends from the travel portion of the road, which he called the right of way, that the roadway is 50 feet wide and the parking area is off street. This testimony is consistent with Exhibits B & C offered by the respondent. Exhibit B is a "Lot Line Adjustment, Subdivision, and Existing Conditions Plan" of Lamplighter Mobile Home Park approved by the Town of Conway Planning Board on 09-10-2008. Exhibit C consists of a series of photographs of the home sites in the area including the Complainant's,

William Hagan, employed by the Respondent testified that he built the retaining wall in 2008. While he was constructing the wall the Complainant stated to him, "I just need to know when I can park back in my driveway." Mr. Hagan was recently overseeing a sewer project for the Respondent. He was asked to meet with the Complainant over the driveway issue on behalf of the Respondent to help clarify. The Complainant asked him for his title and asked why he was involved and not the Respondent's manager or regional manager. Mr. Hagan testified that the Complainant was upset and it was then he stated he was getting up in years and didn't want to snow blow and should not have to plow. The park should plow.

In closing remarks the Complainant stated that he needs to know where his lot line is and insists there is a discrepancy between the plan (Exhibit B) and as built. The

Respondent, through counsel, insisted that the Complainant knows where his lot line is, and that his parking area is exclusively designated for his use.

**RULING**

The Board is charged with hearing and determining matters involving manufactured housing park rules, specifically RSA 205-A:2, RSA 205-A:7, & RSA 205-A:8. ( See RSA 205-A:27, I) The Board is further vested with the authority to determine whether a rule is reasonable as applied to the facts of a specific case. (See RSA 205-A:27, I-a ). For the reasons set forth below, the Board unanimously finds for the Respondent and DISMISSES the Complaint against the Respondent.

The Board finds and rules that the parking area is reserved for the Complainant's exclusive use, is a part of his home site and is in fact a driveway for which he continues to be responsible to maintain in accordance with park rules. The Plan and photographs clearly compel this conclusion. The present arrangement between the parties with respect to the Complainant's parking area (and between the Respondent and approximately 9 other similarly-situated households) has existed from the inception of the Complainant's tenancy. The Board finds and rules that the Respondent's refusal to accept the change in the terms of the tenancy relative to maintenance of his driveway that the Complainant seeks to impose is not unreasonable. The Board further finds and rules that the Complainant has not presented sufficient evidence to support his claims relative to his lot lines. He has not presented any evidence relative to the unreasonable application of rules against him relative to the location of lot-lines or how such a rule implicates RSA 205-A:2, RSA 205-A:7, or RSA 205-A:8. For the foregoing reasons, the Board rules there is no violation of RSA 205-A:2,VII and RSA 205-A:2, XI as alleged. The Complainant has not sustained his burden of proving any violation of any other provision of RSA 205-A:2, RSA 205-A:7, & RSA 205-A:8.

Man 211.01 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 motion shall be a prerequisite to appealing to the Superior Court in accordance with RSA 205-A:28 II.

**SO ORDERED**

**BOARD OF MANUFACTURED HOUSING**

Dated: Feb 12, 2016

By: 

Mark H. Tay, Esquire, Chairman

Moughan v. Guttadauro and Lamplight Mobile Home Park, LP

**Members participating in this action:**

Mark H. Tay, Esq., Chairman  
Peter J. Graves, Vice-Chairman  
Robert Hunt, Esq., Secretary  
Rep. Catherine Cheney  
Kenneth Dame  
Lois Parris  
Former Rep. Glenn Ritter  
Rep. Franklin Sterling  
Judy Williams

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**CLERK'S NOTICE**

I hereby certify that a copy of the foregoing Ruling of the Board of Manufactured Housing has been mailed this date, postage prepaid, to the parties.

Dated: 2-19-16



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Rick Wisler, Clerk  
Board of Manufactured Housing