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Condominiums and adaptive reuse

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Adaptive reuse of a building means rehabbing the building for new uses. Often, the building is a vacant mill or church building. In adaptive reuse, developers usually focus on tax credits, preservation, and zoning. There are many other concerns in rehabbing an existing building and then converting it to a new use and the condominium form of ownership.

Because of the thick walls, the description of the boundaries of the units in the Master Deed must be drafted with extra care.

Sometimes the original ceiling is used and sometimes there is a drop ceiling. The attorney drafting the Master Deed must find out and cover this in the Master Deed.

The Mass. Condominium Statute requires that the Master Deed contain a description of the building. It is difficult to describe a building converted from a historic use such as a mill or a church to a residential building or a mixed-use building. The lawyer drafting the Master Deed and the architect preparing the floor plans must work closely together in order to describe the building correctly.

For these reasons and many other reasons, if practicable, I always visit the site at least once.

Even a 2 unit adaptive reuse can be challenging. For example, there may be a building and an existing carriage house in back of the building. Part of the carriage house may be a part of one of the 2 units in the main building and the remainder of the carriage house may be limited common area, with a parking space for unit 1 and a parking space for unit 2. The lesson is that, whether the project is 30 luxury units in the city or 2 units in the suburbs, condominiumizing existing structures is not easy.

Developers should not overlook the need for well drafted condominium documents prepared by an experienced condominium lawyer and floor and site plans prepared by experienced architects, engineers or surveyors.

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