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Creative use of the condominium

October 01, 2008 - Front Section

A condo is a good way to create a multiple ownership of real estate when a subdivision under the Mass. Subdivision Control Law (Chapter 41 Section 81K-GG) is not feasible.

By using a condo form of ownership, I have been able to avoid the problems of obtaining subdivision approval from local planning boards.

For example, north of Boston, I have created a condo consisting of a large retail store as one unit and the remaining units in an adjacent office building, all on one lot.

Also, south of Boston, I have created a golf condo with the golf course and clubhouse as one unit and the free standing or attached homes as the remaining units, without a subdivision.

When a tract of land is not subdividable, a phased condo works very well. The entire land is put into the condo and the declarant reserves the right to build buildings in future phases on the portion of the land which is common area.

Often there are two houses on one lot which cannot be subdivided. A condo can be created with each house being a unit in the condo. Subdivision approval is not required.

As Chapter 183A, the Mass. Condo Statute, is an enabling statute allowing for flexibility, it will continue to be used in creative ways when a traditional subdivision is not possible.

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