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Condominium plans

June 03, 2009 - Front Section

The Massachusetts Condominium Statute (Chapter 183A) is an enabling statute laying out minimum requirements for creating a condominium in Massachusetts. According to our courts, matters not specifically addressed by Chapter 183A are to be worked out by the parties involved. *Tosney v. Chelmsford Village Condominium Association*, 397 Mass. 683 (1986).

However, as to matters specifically covered by the statute, such as the requirements of condominium floor plans, there must be exact compliance.

Section 8(f) of the statute specifically requires a set of "as built" floor plans to be recorded with the master deed, bearing a certification by a registered architect, engineer or surveyor that the plans show the units "as built."

The statute was amended in 2008 to eliminate the requirement of unit plans with the first deed of each unit.

The statute does not specifically require a condominium site plan, but some title insurance companies and some registers of deeds require a site plan. Also, in the event there are exclusive use parking spaces or other exclusive use areas on the grounds, a site plan must be recorded because there is no other way to show these areas.

Elevations of the building are not required by statute, but I recommend that elevations also be recorded.

It is important that the architects preparing the floor plans and the surveyors preparing the site plan coordinate with the attorneys preparing the condominium documents so that the plans and documents are consistent.

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New England Real Estate Journal - 17 Accord Park Drive #207, Norwell MA 02061 - (781) 878-4540