

[Plan-link](#) posting and reply on June 13, 2006, (Subject: RSA 672:14 Subdivision Definition) about the applicability of [Bussiere v. Roberge](#) (July 21, 1998) relative to the definition of "subdivision" and condominium conveyance.

Posting: I have a question concerning the conversion of an existing apartment/duplex into a condominium form of ownership.

Under [RSA 672:14 Subdivision](#), it states that subdivision means divisions of land for the purpose of condominium conveyance. However, as a footnote it states, "Definition of subdivision contained in subsection I was not intended to apply to conveyance and conversion of an existing apartment into a condominium. *Bussiere v. Roberge*, 142 NH 905, 714.

The Town of Hooksett's Subdivision Regulations contain the same language as the RSA, minus the footnote. I am trying to determine if the Town can be more restrictive, and require subdivision approval for a condo conversion.

Can anyone help with this?

Reply: The [Bussiere v. Roberge](#) annotation that accompanies the text version of RSA 672:14 is an unfortunately misleading statement that does not accurately summarize the relevant portion of the case.

Here's what really happened: there was a dispute over ownership of apartments in a building in Manchester, and it was alleged that the condo conversion of those apartments was illegal because it had been done without planning board approval. The then current (1998) language of RSA 672:14, as also now, stated that "subdivision" means "condominium conveyance" among other things. But Manchester's definition of subdivision did not include the condo conveyance provision, as it had been adopted under the predecessor statute, RSA 36:19-:29 (repealed in 1983 with the recodification of the planning and zoning statutes). That statute had not included the condo conveyance provision. The court held that because the city's regulation did not include the condo conveyance provision in its definition of "subdivision," then the planning board had no authority to review the conversion of rental apartments to condominiums (hence, the conversion was not illegal).

The lesson here is that in order to use the full breadth of the statutory definition of subdivision, a municipality must adopt that full definition. I guess the other lesson is don't believe everything you read!