

Agricultural Law Memo

ALM 10-01

March 11, 2010; Rev. 3/11/2011

TOPIC: Greenhouses used for retail sale and the State Building Code

ISSUE: The issue that this ALM addresses is whether the exemption from the Construction Control portion of the State Building Code applies to greenhouses that may have some retail sales or uses.

A farmer who operates a nursery and greenhouse may wish to construct a new greenhouse or expand an existing one.¹ On occasion, employees of the farm and retail customers will be in the greenhouse. The occupancy at any given time is not expected to exceed 100. The completed size will exceed 35,000 cubic feet.

The Construction Control portion of the State Building Code requires professional engineering services for construction control but also provides exemptions. One exemption states: “Any building used **exclusively** for farm purposes (this exemption does not apply if the building is to be used for large assemblies of people or uses other than farm purposes)[.]” (“Farm Building Exemption”) ([780 CMR 116.1\(3\)](#)) (Emphasis added). The emphasis on “exclusively” is added because this term is not included in the statute that grants this exemption. See, [M.G.L., c. 112, §60L](#).

The 7th Edition of the State Building Code was recently amended to better define and articulate provisions relating to agricultural buildings. Four (4) key amendments were adopted that: (1) define “Agriculture and farming”; (2) define “Agricultural Building”; (3) establish agricultural buildings as use Group U buildings; and (4) further establish that an agricultural building with an occupancy of 100 or less remains an agricultural building in use Group U, but for occupancies greater than 100 the building is to be classified according to their intended use. See, [780 CMR](#).

Since the greenhouse described above has an expected occupancy of 100 or less, it is considered an agricultural building and will be used for “farm purposes.” Therefore, the exemption from Construction Control applies and the construction or expansion of the greenhouse would not require professional engineering services for construction control.

¹ This ALM is applicable to other agricultural structures such as barns, stables, farm stands, etc.