

# **CHESTERFIELD CEMETERY COMMISSION**

## **Chesterfield, MA 01012**

### **Rules and Regulations for the Administration of the Cemeteries of Chesterfield**

#### **Hours**

All Chesterfield Town-owned cemeteries are open to the public during daylight hours only, as consistent with the specifications and exceptions of Chapter 114, Section 42A of the Massachusetts General Laws (M.G.L.). Unofficial access to other cemeteries on State and private lands is subject to the landowners' requirements.

#### **Seasonal Limitations on Interments**

Interments are generally not feasible during late fall, winter, and early spring months, because of frozen and/or thawing ground, snow and related access constraints. The Superintendent of Cemeteries determines whether and when interments can be feasibly arranged during these months (usually between late November and mid-to-late April most years). Most funeral homes are able to provide for care of remains until interment in Chesterfield's cemeteries is feasible.

#### **Prices and Fees**

A right of burial lot in a Town-owned cemetery is 4 ft. x 10 ft. (a grave is conventionally 4 ft. x 8 ft., with the additional 2 ft. for emplacement of a headstone/monument). A purchaser or other holder of a right of burial in a Chesterfield cemetery does not gain nor hold title to the land which remains the property of the Town, but receives only a licensed right of burial for human remains only. Upon conveyance of a right of burial lot, the Town shall assign a number to the lot and give written documentation to the purchaser specifying the location and number of the lot with a copy being given to the Town Clerk.

A non-resident may purchase a right of burial in Chesterfield only for the purpose of a green burial or if the person has close ties to the Town. Such ties include previously having lived in the Town and/or having immediate family members (parent, spouse, grandparent, sibling, child, or grandchildren) living in Town.

The current charges are as follows:

#### **Right of burial Fees**

Town Resident:

\$200 Right of burial license  
\$250 Cemetery Stewardship charge per lot (non-refundable)\*

Non-Resident:

\$600 Right of burial license  
\$250 Cemetery Stewardship charge per lot (non-refundable)\*

\* Cemetery Stewardship fees provide for general upkeep and maintenance of the cemeteries.

### Grave Opening/Closing Fees

- |                            |                 |
|----------------------------|-----------------|
| a. Full body burial: \$800 | Weekends: \$850 |
| b. Cremains only: \$125    | Weekends: \$175 |

One hour is allowed for a graveside service. Beyond one hour, a \$50/hour fee applies.

### Capacity

Each single-grave lot may contain no more than one full-earth burial and six cremation burials, or six cremation burials only.

### Re-sale and other Transfer of Right of Burial in Town-owned Cemeteries

Any owner of a right of burial may voluntarily relinquish such right to the Cemetery Commission. Upon written request of the owner, the Cemetery Commission may agree to repurchase the unused right to burial for the same sum originally paid to purchase that right. An owner of a Right to Burial seeking to relinquish the right for the price paid must deliver to the Commission a signed copy of the license and other documentation that clearly defines the exact location of the lot and the purchase price paid at the time of purchase. The Commission has no obligation to buy back unused right of burial lots.

A Right of Burial license may be granted or transferred by the licensee **at no cost** with the approval of the governing body of the cemetery. Therefore, whenever a legal holder of a license to a lot in a Chesterfield public cemetery wishes to relinquish that licensed right of burial by transfer to another **at no cost**, the Commission will not object, so long as approval has been properly sought. Transfers of a right of burial license purchased before April 2012 require that the new license holder pay the current Stewardship fee to the Cemetery Commission at the time of transfer. After April 12, 2021, the owner of a right of burial may transfer that right only to someone who is or was a resident of Chesterfield. The Right of Burial passes to the heirs at law or devisees of the original purchaser upon the death of that individual, subject to the limitations and conditions of Chapter 114 of the General Laws.

The Town may take over ownership of an unoccupied grave after a minimum of seventy-five years has elapsed after issuance of a license for the grave by the Town, if after making a diligent search it cannot locate the license holder or the holder's successor in interest. If such ownership of the license is ascertained after such a taking occurs, the municipality shall then pay to the owner, the fair market value of the license at the time of its taking.

### Vaults/Grave Liners: Caskets

Under current Massachusetts laws neither vaults/grave liners, caskets, nor embalming are required. Unless in the future required otherwise by State law, it shall be the right of the family of a deceased to decide which practices it wishes to observe.

### Green Burials

In the case of a "green" burial which foregoes the use of a vault/grave liner and even of a casket, where ground subsidence issues and relevance to equipment access and use may be of special concern, the Cemetery Commission reserves its prerogative to restrict such burials to certain lots or a designated area of a Town cemetery as it and/or the Cemetery Superintendent may determine. Such a burial may be in whatever shroud or container the family chooses as long as it is biodegradable.

## **Monuments/Memorial Stones and Lot Markers**

### **Installation**

All monuments/headstones, and flush-to-the-ground brass, granite or similar material memorials with the exception of tablet stones are to have concrete foundations built to the specifications of the Cemetery Commission to assure they are of dimensions, materials, finish and depth to support the item and resist frost heaving. The family and any monument company involved must coordinate construction of the base and installation of the monument/marker with the Cemetery Commission, and the base must be inspected before the marker is installed.

Any person proposing to install erect, alter, inscribe, clean or repair a memorial monument or marker shall first obtain permission from the Cemetery Commission to do so and shall comply with the reasonable directions of the Commission and with these rules and regulations. The person or firm requesting such permission may be required to furnish evidence of their ability to properly perform the work proposed.

Owners of the right of burial for a lot must submit to the Cemetery Commission a “shop drawing” showing the monument/marker size, configuration, material, color, inscriptions, epitaph, symbolism, font and all other design information that make up the monument. The Commission will consider each design and either approve the proposed monument/marker or return the drawing for design revisions and resubmission to the Commission. An approved design will have the signature of the chair Cemetery Commissioner and date of approval on the drawing. The drawing will be returned to the monument manufacturer or the family. Authorization of the manufacture or installation of any monument without Cemetery Commission approval may result in the removal of said monument at purchaser’s expense.

Sketches do not have to be submitted for installation of an official U.S. Veteran’s marker but the installation and base must follow specifications of the Cemetery Commission and installation must be supervised.

Size limitations of markers are as follows:

Two adjoining right of burial family lots may have marker placed in the center of the adjoining portion of the two lots designated as the area for markers. Maximum base length is 36”.

Maximum base length for a single lot (not a family lot) is 30”. Maximum height from ground level for multipart markers is 32”.

Maximums for tablet stones are: width 20”, thickness 2-3”, and height 40” above ground level. Newer style tablets require an approved concrete base. Old style longer tablets must be set with a minimum of 40% of the total length below ground. In the historic sections of Ireland Street Cemetery and Center Cemetery tablet stones may be placed at each gravesite in a family lot.

All markers must be at least 3” from the boundary at the top of the lot. Benches are acceptable as markers and also need approval.

All monuments and stone markers shall be of high quality and endurance, of granite, white marble or other highly resistant natural stone such as schist or slate. Markers may also be of bronze. Colors of granite or stone should be in the black/gray color spectrum in historical sections.

Corner stones to mark the boundaries of a lot must be set flush with the grade of the lot. Initials on corner stones must be cut in, not raised.

Markers for multiple cremains interred in the same lot must have inscriptions on the one allowed headstone or have additional markers flush with the ground. These flush markers may not exceed 24" long x 12" wide.

A memorial supplier installing a grave marker must follow Cemetery Commission specifications and be supervised on site by the Cemetery Superintendent. The supplier must remove or replace a marker if it is improperly set or exceeds size maximums at no cost to the Cemetery Commission.

Should any memorial become unsightly, dilapidated, or a safety hazard, in the judgment of the Cemetery Commission, the right of burial holder will be notified that prompt corrective action is necessary and required. All of these corrective actions shall be at the expense of the right of burial holder. Maintenance and repair of markers, monuments, planting, and other items on a lot are fully the responsibility of the lot owner(see restrictions under Cleaning/Repair). Safety hazards may be removed immediately by the Cemetery Commission at the expense of the right of burial holder. Damage done to grounds, walks, roads, trees, shrubs or other property in a cemetery by dealers, contractors or vault companies shall be repaired by the Cemetery Commission, and the cost of such repairs shall be charged to the party or firm causing the damage.

### **Cleaning/Repair**

Cleaning of monuments and memorials of lichens and other debilitating growths is expected by family members of a deceased, and is generally welcomed. However, some physical cleaning materials, methods, and most chemicals can cause serious, often irremediable, damage. Cleaning all stones, especially others' stones or those of historic status and character, as well as of one's own family, should not be done without the prior consultation with, and approval of, the Cemetery Commission or the Superintendent of Cemeteries. Grave markers may not be either cleaned or repaired without the approval of the Cemetery Commission. This approval is necessary to ensure that proper materials and methods are used to prevent damage to the family's stone(s) and to any others nearby.

### **Installation of Cenotaphs**

Persons wishing to install a cenotaph (marker where there is no burial) must purchase a right of burial license and also pay the Cemetery Stewardship charge as detailed under "Prices and Fees". Design and size of these markers must be approved by the Cemetery Commission as detailed under "Installation" before installation to make sure they are consistent with the character of the cemetery, particularly in historic areas of cemeteries.

### **Decorations/Adornments and Plantings**

**1. Live plantings.** No trees, shrubs, myrtle, ivy, non-native species or perennials may be planted on lots, nor within entire cemetery boundaries, except and unless as approved in advance by the Cemetery Commission. Annuals may be set out within a lot, if contiguous to an installed headstone or similar monument. Existing plants or shrubs that extend beyond lot lines

or which obscure monuments may be pruned or removed by the Superintendent to maintain the appearance and safety of the site.

**2. Non-living adornments.** No fences at, on, or around a grave are permitted. Cut flowers, sprays, wreaths, artificial flowers, or other floral decorations and their containers should be removed by those who place them before they become faded, unsightly, or detrimental. Empty containers, or those with dead plants, as well as various decorations, will be removed by the Superintendent when unsightly or unsafe and at least before snowfall each autumn.

**3. Flags.** Only U.S. flags or other Veterans' insignia should be displayed. In keeping with protocol for respectful display of the American flag, any flags on the ground or otherwise sufficiently bedraggled will be removed for proper and respectful disposal.

### **Other**

No horseback riding, pets, ATV's, bicycles or metal detectors are allowed. There shall be no food packages, beverage containers, balloons or similar memorabilia left at gravesites.

Adopted by Chesterfield Cemetery Commission: April 10, 2012

Revisions: August 20, 2015; June 3, 2016; October 15, 2019; April 13, 2020; April 12, 2021

Members:

Dee Cinner, Chair

Rick Roberts