

# TOWN OF CONCORD



## CEMETERY RULES AND REGULATIONS

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## **Article I. Definitions**

Cemeteries shall mean the Old Hill Burying Ground, South Burying Ground and Sleepy Hollow Cemetery, including The Knoll at Sleepy Hollow.

Committee shall mean the Town of Concord Cemetery Committee

Department shall mean Concord Public Works, the Director of Public Works or his/her designee. The Cemetery Office is located at Concord Public Works, 135 Keyes Road, Concord, Massachusetts 01742.

Town shall mean the Town of Concord, Massachusetts.

The following Rules and Regulations issued by the Committee do not replace the conditions and restrictions on Cemetery lot deeds, but are intended to expand upon them.

## **Article II. General Regulations**

### **Dogs**

Dogs must be held firmly on a leash at all times. Their owners shall maintain the dignity of the grounds by cleaning up after them.

### **Etiquette**

Visitors are expected to stay on roads and paths and to refrain from trespassing upon grave lots wherever possible.

Quiet, respectful behavior is expected.

### **Firearms**

No firearms of any kind are allowed within the Cemeteries, except for use in military salutes and ceremonial exercises sanctioned by the Town.

### **Gravestone Rubbings**

Gravestone rubbing is prohibited.

### **Hours**

All Cemeteries are open to the public daily from 7:00 a.m. until dusk or 8:00 p.m., whichever is earlier, weather permitting. The Cemeteries are closed outside of these hours.

### **Liability**

The Town is not responsible for items lost or stolen from grave lots, nor for damage to plantings caused by maintenance, plowing, mowing, or the opening of graves.

### **Trash and Litter**

No person shall discard any refuse, rubbish, glass jars, vases, or bottles within the Cemeteries, except in the proper receptacles.

## **Article III. Ownership**

### **Eligibility**

Town Residents and former residents who meet the following eligibility rules set by the Cemetery Committee, as adopted on February 1, 2006 and allowed with passage of Article 31, Town Meeting – April 27, 2006:

- The former resident must have resided in Concord for at least one year
- The former resident must be able to satisfactorily prove that residence
- The former resident would pay a price for both the lot sale and for perpetual care that is 50% higher than that charged to current residents.

### **Limit to Lots Sold**

To qualify to purchase any right of burial an individual must be at least 18 years old.

To preserve future burial space within the Town of Concord's municipal cemetery, the Cemetery Committee will limit the purchase of burial rights to no more than six (6) single graves or three (3) cremation lots per Concord resident, Estate, Trust or household (present or eligible former residents).

When purchases are made by a trust, all trustees must qualify to purchase.

Exceptions to this regulation may be made by petition to the Cemetery Committee.

### **First Option to Buy**

Any owner of a right of burial who wishes to sell an unused lot or any unused portion(s) of a partially filled lot, shall so advise the Committee, which may repurchase the unused lot or the unused portion(s) of the lot for the greater of the same sum that was paid by the owner when the lot was purchased or ½ the current lot price and perpetual care cost.

### **Transfer of Rights**

The owners of rights of burial in the Cemeteries or their heirs shall not grant, sell, alienate, or convey the said executive right of burial to a person or persons without having obtained the written approval and consent of the Committee, but it shall be discretionary with the Committee to grant or withhold such approval and consent.

### **Use Restrictions**

The right to be granted to the owner of any lot or grave site is a sole and exclusive right of burial and of the erection of monuments or markers subject to the terms, conditions, and regulations as they may exist from time-to-time. The premises in which such rights are granted shall be used only for the purpose of a place of burial for expired human remains.

## **IV. Interments**

### **Grave Box**

A concrete box of one-piece construction with a one- or two-piece cover is required for all full-earth burials. The construction of the box must meet acceptable standards for the industry.

### **Grave Location**

The exact location of a grave shall be determined by the Department, considering the position of existing burials and monuments in close proximity and of trees and tree roots at or near the site.

### **Holidays**

Interments on holidays will be scheduled only in cases of emergency, at the option of the Department, contingent upon voluntary availability of qualified regular employees.

### **Interment / Disinterment Orders**

For all interments, a fully completed and signed interment order is required from the owner of the right of burial in the lot in which the interment is to be made, or from a legal representative. Interment/disinterment orders must be typed or clearly written, with the lot number stated, and be delivered to the Department at the time of interment. At least 36 hours notice must be given in advance of a grave opening.

In the case of the decease of a poor and indigent person, lots have been provided at The Knoll. The said deceased person at the time of death must meet the qualification requirements of MGLA 117A, Section 9.

### **Liability**

The Department is not responsible for any mistake occurring due to the lack of adequate information regarding the particular space, size, and location in a lot where an interment or disinterment is ordered.

The Department is not liable for equipment failures or other conditions beyond its control.

### **Lot Capacity**

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

Each urn-garden lot may contain no more than three or four cremation interments, depending on the configuration of the lot.

### **Payment in Advance**

No grave will be opened on a lot until the purchase price and perpetual care fees for the entire lot have been paid in full.

### **Permits Required**

No interments shall be made until the Department is furnished with a permit, as required by the laws of the Commonwealth.

### **Personnel**

All grave openings must be executed by employees of the Department.

### **Right to Correct**

The Department reserves the right to correct any errors made during interments or disinterments.

## **Article V. Monuments and Markers**

### **Benches**

Benches are allowed in place of upright headstones.

Requests for the placement of other benches in the Cemeteries need the prior approval of the Committee.

### **Boundary Markers Prohibited**

Boundary markers including fences, posts, and stones are prohibited.

### **Monument Foundations**

Permanent foundations will be required for the installation of all monuments or markers. The size of the foundation will be determined by the size of the monument.

### **Monument Permits**

A monument permit is required for the installation of any monument or marker and for the addition of inscriptions to existing memorials, with the exception of the addition of the date of death and the proper name to complete an existing inscription.



Permits must be approved by the Department five business days prior to the installation or inscription. Monuments and markers are permitted only as allowed in the Monument Application.

### **Permit Violations**

The Committee reserves the right to remove or modify any stone or inscription which does not conform to permit or deed conditions, or which has been installed without proper permit authorization. Any person who is responsible for installing a monument, marker, inscription, or foundation in violation of these Rules and Regulations shall be subject to a fine of \$100 every thirty days of the duration of the violation, and shall be responsible for the actual cost to the Town arising out of such violation, including removal and storage of such monument, marker, or foundation if deemed necessary or desirable by the Committee.

The Cemetery Department has the ability to to remove offensive structures and markers including offensive wording of markers.

### **Position on Lot**

The position of the monument will be designated in the lot plan.

### **Tree Donations and Memorial Markers**

Prior permission of the Department is required for the acceptance and location of memorial trees (also see Article VI, Memorial Trees). A monument permit is required for the inscription identifying the tree donor. The marker shall be of a material approved by the Department. The total size of the marker shall not exceed 6" x 12".

Placement of such markers shall be determined by the Department.

### **Type of Memorial**

The type of memorial permitted on a particular grave site will be specified by the Department at the time of the purchase of the lot..

The Committee will consider reasonable exceptions to the published dimensional requirements upon review of a written proposal consisting of a description and sketch from the petitioner.

### **Veteran's Markers**

Veterans' markers must conform to the type of stone in the given section, but are exempt from limits established for lots as to number of stones allowed.

## **Article VI. Plantings**

### **Annuals and Perennials**

Plantings shall be limited to annuals, herbaceous perennials, or ground cover. However, small shrubs may be planted within the permitted dimensions adjacent to upright and slab monuments.

### **Dimensions**

Plantings may not extend beyond a 1' wide strip along the sides and front of the stone.

### **Memorial Trees**

Persons who would like to donate memorial trees shall consult with the Department to determine the site and type of tree and obtain the Department's prior approval.

### **No Trees on Burial Lots**

No trees are allowed on burial lots.

### **Option to Remove Plantings**

Plantings in need of maintenance and those which impede normal Cemetery maintenance, may be trimmed or removed by the Department.

### **Permission**

Prior permission for any planting within the Cemeteries must be obtained from the Department.

### **Pesticides and Fertilizers Prohibited**

The private use of pesticides and fertilizers is prohibited.

## **Article VII. Decorations**

### **Decorations Allowed that are Temporary**

Except as prohibited herein, temporary decorations on graves are permitted, provided that decorations and containers are disposable.

### **Decorations Requiring Permission**

Urns, boxes, markers, boxed wreaths, ornaments, or memorials of a permanent nature shall be placed upon the graves or lots only with the prior approval of the Department.

## **Decorations and Containers that are Prohibited**

Artificial flowers, vigil lights, crushed stone, and mulch are not allowed in the Cemeteries.

For the health and safety of personnel and the public, the use of glass, clay, or china jars and of metal cans is prohibited.

## **Removal of Decorations**

All above-ground plants and temporary decorations will be removed and disposed of the second Friday following Memorial Day.

All above-ground arrangements, along with pots or baskets, will be removed after ten days, with the exception of winter holiday decorations, which will be removed in March. Flowers which have wilted and become unsightly may be removed prior to ten days.

## **Article VIII. Schedule of Fees**

### **Obligation of Owners**

Lot owners are responsible for payment of all fees for the purchase of Cemetery lots, Perpetual Care fees, interment fees and all other associated fees duly adopted by the Committee from time to time.

### **Perpetual Care Fees**

No activity, e.g. interments, disinterments, plantings, stone work, etc. may take place on a lot unless the required Perpetual Care fees have been paid.

The Perpetual Care Fee owed is the amount currently being charged for perpetual care on a lot of the same size. (A lot owner cannot settle by paying the amount originally charged). Any lot where perpetual care fees were considered paid in full at the time of payment continues to be paid in full.

The Perpetual Care Fee owed will be based on the remaining usable full-burial graves in the lot. A lot owner may pay the entire Perpetual Care Fee owed on the remaining usable graves in that lot, or may pay the fee on an interment-by-interment basis until the entire Perpetual Care Fee balance is paid. The same Perpetual Care Fee is owed regardless of whether the interment is a full burial or a cremation or where in the lot the interment is made.

The Committee reserves the right to consider alternative handling of any previous written commitment made to a lot owner who owes Perpetual Care Fees.

## **Schedule of Fees**

The Department shall maintain a schedule of current Cemetery Fees.

## **Article IX. Mausoleum Rules and Regulations**

### **Design and Construction**

Mausoleums are allowed in Sleepy Hollow Cemetery only by special approval of the Cemetery Committee in designated area(s). The mausoleum design with specifications must be submitted to the Cemetery Committee for approval. The Cemetery Committee reserves the right to approve or reject the design because of size, material, configuration, historical characteristics or method of construction. Mausoleums shall be constructed of first grade materials using top-quality craftsmanship and designed in harmony with the existing landscape and adjacent structures. The lot owner is responsible for all expenses related to the construction of the mausoleum including, but not limited to, design, permitting, CPW engineering design review and construction improvements required to make the area suitable for the mausoleum and to return the surrounding landscaping to its pre-construction condition.

Before a mausoleum is constructed, the lot shall be paid in full and a Trust Fund must be established with the Town. The income from this Trust Fund will be used exclusively to maintain and care for the mausoleum. The amount of the fund will be determined by the Cemetery Committee, but will not be less than 10 percent of the total cost of the lot and structure.

The granite used in all mausoleums must carry a full perpetual warranty backed by proven and demonstrated financial reserves, which assures financial security to the Town's satisfaction. The Cemetery Committee reserves the right to reject any granite that does not carry a warranty that meets this standard.

Foundations shall be poured to a depth of not less than five feet (5') or to refusal, whichever case may apply, consisting of three thousand pounds per square inch (3,000 psi) concrete. The foundation shall extend two inches (2") beyond the base of the mausoleum on all sides and finish three inches (3") below the grade line.

All exterior components of the mausoleum including walls, roof, ridge, coping, cornice, shall consist of high quality granite, free of seams, cracks, grain variations, and any other defects. Said walls and roof shall be of cut granite not less than ten inches (10") in thickness and all joint gaps shall be 1/8" or less. All roof pieces shall have adequate drip edges cut on the underside of the eaves. All metal work must be of standard bronze complying with the specifications of the U.S. Bureau of Standards. Vents, louvers and screens shall all be made of bronze. Exterior mortar shall consist of stainless white Portland cement or its equivalent.

All mausoleums shall be centered on the lot, face the front of the lot and not take up more than 60% of the area of the plot. Cemetery plots will be 20' x 20'. Upon completion of any vault in the mausoleum, one key to each lock must be deposited in the cemetery's office, to remain permanently in the custody of the Cemetery. The Cemetery Staff retains the right to enter all mausoleums for the purpose of inspection, maintenance and to ensure rule compliance. All full body remains must be in separate crypts, which can be hermetically sealed and properly vented to cemetery regulations. There shall be a suitable drain connection to each crypt. A drain would not be required for a crypt containing cremated remains, some people may request more than 1 urn in an individual crypt/niche.

All work must be done under the supervision of the Cemetery Supervisor or Highway and Ground Superintendent in consultation with the Cemetery Committee.

All work must be completed during the hours of 0700-1700 Monday-Friday only, excluding all State Holidays. No work will be allowed to take place during a funeral in any surrounding area of the cemetery.

Building permits *may* be required from the Town for any structure over 200 square feet. Since the maximum allowable size of a mausoleum in Sleepy Hollow Cemetery is 60% of the total 20' x 20' plot size (240 sq. feet), such permits may be needed if a planned mausoleum will be larger than about 14' x 14' feet. Lot holders will consult the Cemetery Supervisor or Highway and Grounds Superintendent regarding the need for a permit.

## **General Rules**

The cemetery will be reimbursed by the lot owner for any costs of supervision, inspection and testing involved in building the mausoleum.

The work of building the mausoleum is to be entirely at the contractor's risk. He will maintain insurance on all work until its final completion and acceptance.

The cemetery will be included as an assured in the Public Liability and Property Damage insurance policies. The Public Liability and Property Damage insurance and Owners' Contingent policies, as the case may be, will contain a "Hold Harmless" clause.

The contractor shall not commence work until he has obtained the insurance specified. This will include Workmen's Compensation Insurance for all who will be employed at the site.

No entombments shall be made in any above ground crypt unless the remains of the deceased are in a casket or approved alternative container. Before entombment the casket will be placed in a casket protector supplied by the funeral director at the owner's expense. If the body is not embalmed, the cemetery may require a protective wrap.

Access to the mausoleum must be done under the supervision of the Cemetery Supervisor. Should a family member wish entrance to a mausoleum, they must have permission in writing from the lot owner.

Plantings may extend only for a distance of two feet from the mausoleum on all sides. The height of plantings in the front of the mausoleum shall not exceed three feet. The height of plantings in the rear or on the sides of the mausoleum shall not exceed the height of the building. No fencing, concrete benches, tables and other objects or structures may be placed or erected on mausoleum lots.

Stained glass windows in a mausoleum must be protected by an outer panel of Plexiglas or other shatterproof material, which must be installed at the time of construction. All doors and windows on a mausoleum must be made of durable materials, such as bronze or granite, with the capability to be locked, and doors must be at least 32 inches in width to allow for interments and other work to be done on the inside of the mausoleum.

Only carved lettering, bronze lettering or crypt plaques of bronze material may be used on any crypt or niche and all fittings, adornments, urns, inscriptions, and name plates for crypts or niches are subject to approval by the Cemetery Committee.

## **Definitions**

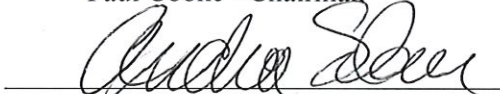
- MAUSOLEUM - a structure or building used for the entombment of human remains in crypts, vaults, or niches.
- CRYPT - a chamber in a mausoleum of sufficient size, generally used to contain the casketed remains of a deceased person.
- ENTOMBMENT – the interment of human remains above ground in a mausoleum crypt.
- INURNMENT - the permanent placement of cremated remains in a niche or space in a columbarium, mausoleum or tomb.

Passed and adopted at a duly authorized meeting of the Cemetery Committee of the Town of Concord, Commonwealth of Massachusetts held on November 4, 2020.

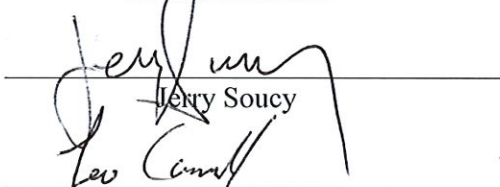
Cemetery Committee



Paul Cooke - Chairman



Andrea Solomon



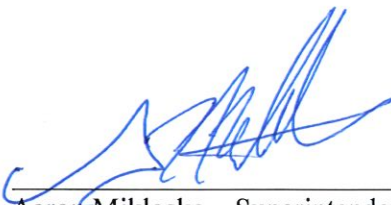
Jerry Soucy



Leo Carroll



Brian Davidson



Aaron Miklosko – Superintendent of Highway and Grounds

Prior Revisions:

September 05, November 08, July 19