

# Cemetery Commission Regulations

Draft

Month Day, 2017

- I. Eligibility to apply for a Cemetery Lot:
  - A. Taxpayer of record of a buildable lot.
  - B. Native born Chilmarkers who do not own a buildable lot in Chilmark but who are veterans of the U.S. Armed Services and U. S. Coast Guard or who have been granted by Congress special Veteran's status as a result of wartime service can lease a ¼ Lot or ½ Lot as needed.
  - C. Owners of a Life-Estate in a habitable dwelling can lease a ¼ Lot or ½ Lot as needed. For specific information see: "Policies Regarding the ownership of Cemetery Lots..."

II. Cemetery lots are leased by consecutive number.

III. Cremations, Casket Burials and Green Burials

- A. Green Burials: For the purpose of these Regulations a "Green Burial" is defined as a burial where the deceased has not been embalmed and has been buried in a shroud without a casket.
- B. The number of burials and gravestones or markers permitted on all Lots numbered from 1 through 292 is as follows:

	Approx. Size	Number of Caskets or Green Burials	or	Number of Urns	Number of Stones or Markers
Full Lots	11' X 22'	4	or	8	5
Half Lots	11' X 11'	2	or	6	3
Quarter Lot	11' X 5'	None		4	2

At the time of the adoption of these Rules no Quarter Lots were available.

Except under unusual circumstances, a casket burial or a "Green Burial" is not permitted on Quarter Lots.

- C. Burial sites in the so called "King Lot" measure 4'x4' and are suitable for two cremations and one stone. These Lots are reserved for special situations.
- D. Lots are restricted to one per family.
- E. Cement liners are required for all burials except Urn burials and Green Burials.

IV. Stones and Monuments

- A. All Stones and Monuments are subject to the approval of the Cemetery Commissioners who may authorize the Cemetery Superintendent to approve such markers.
- B. Guidelines for Stones and Markers
  - 1. Markers on lots should not exceed 3½ feet above ground level, width not to exceed the height with the exclusion of a bench, which shall be used as the marker.
  - 2. All markers shall be chosen at the owners' discretion, subject to the above approval.
  - 3. Although single monuments on each lot with multiple inscriptions are favored, a maximum of five stones on a Full Lot, three stones on a Half Lot and two stones on a Quarter Lot will be permitted. Where a single monument is used, individual flat markers not to exceed the number of burials permitted on the lot will be allowed. Such flat markers shall be no larger than 12" by 24" and the surface of the flat markers must not extend above the surrounding ground level.

4. New markers in the "old section" of the Cemetery will be subject to the above guidelines, but in addition should generally be consistent with the style of the traditional markers in that section of the Cemetery.

V. Plantings

- A. Except for native red cedars, all trees or shrubs shall be dwarf varieties and shall not exceed eight feet in height at maturity. Plantings, other than cedars, that exceed eight feet in height or plantings that exceed the bounds of the lot may be trimmed or removed at the owner's expense. Owners of lot leases are asked to remove flowers, wreaths and other items after they have withered.

VI. Sale or Transfer of Cemetery Lot Leases (See also: "Policies Regarding Ownership...")

- A. Leases to Cemetery lots may be inherited by the heirs of the owner of the lease as provided under the Laws of the Commonwealth of Massachusetts.
- B. Leases to Cemetery lots may be given back to the Town or sold to the town for an amount equal to the price originally paid for the lot.
- C. All other transfers of ownership are prohibited.

VII. The Cemetery Superintendent shall be responsible for maintaining the Cemetery and is authorized to remove material from lots and markers to facilitate proper maintenance.

VIII. Lot sizes: In general lot sizes are as shown above: Full Lot: 11' x 22' and Half Lot: 11' x 11', The size of Quarter lots vary, but they will always accommodate four urns when available. Occasionally, the size of Full as well as Half Lots may also vary, but regardless of the actual dimensions Full Lots and Half Lots will still be suitable for a maximum of four and two caskets respectively.

Approved by the Chilmark Selectmen  
Month, Day, 2017

3/20/2017  
JOF Draft

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## Cemetery Lot Lease and Burial Policies

### Ownership:

The owner of a buildable lot (Qualifying Property), regardless of whether a structure stands on it, may lease one cemetery lot, either a full lot or a half lot. The lot must be registered in the name of record of the owner of the qualifying property. In the case where the property owner is a group of individuals, a corporation, trust, partnership, etc., only one lease may be issued regardless of how many individuals are involved in the entity. In the case where a qualifying property is held in the name of a group of individuals, a corporation, trust, partnership, etc. it is the responsibility of the individual applying for the lease to notify the other owners of the qualifying property that he/she is applying for a cemetery lot lease in the name of all the owners of the qualifying property. Should a lease holder wish to dispose of his/her cemetery lot lease, it may be given, or sold back to the Town for the amount originally paid. Lot leases may not be otherwise sold.

A lease may be transferred upon the death of the owner to his or her heirs. When a lease is held by an entity or by a group of individuals, the ownership may be transferred to the heirs of the decedent, to one or all of the other owners, partners or members, but not to one or more members of a different group without the written consent of the other participants. In the event an instrumentality owning a lease is dissolved or terminated the ownership shall be transferred by agreement to one or more of the participants. Any participant electing not to retain an interest in the lease will not be permitted to lease another lot unless he or she owns a buildable lot in his/her own name.

In the event of a divorce or separation of a couple owning a lease in joint name, ownership of the lease shall remain in joint name until such time as the parties shall agree which individual shall retain sole ownership.

If one member of a couple who owns a lease dies, leaving the ownership of the lease to his/her children, the surviving spouse is not eligible to purchase a lease to another lot.

### Burials

No animals may be buried at a cemetery lot.

The original owner of the lot lease shall decide who may be buried on that lot. If the original owner is deceased, then the current owner shall decide. In the event there is no living owner of record then any direct descendent of the original owners of the lot lease may be buried there on a first come first served basis. If a lease is owned by a group of individuals or by an entity, all participants and their descendants shall have equal rights to be buried at the lot.

By written notification, a lease owner may permit someone who is not a family member or a descendent of the original purchaser to be buried at the lot, but in the case where the lease is held by a group or an entity, all the participants in the group or entity must approve such burial.

Disputes

Neither the Superintendent nor the Commissioners will adjudicate disagreement among lease owners, family members or others regarding the right to use a lot, and cannot permit burials, the placement of markers, landscaping, etc. until all such disputes have been resolved.

JOF DRAFT  
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