

## Uxbridge Historic Cemetery Committee Minutes

For May 15, 2013

Members Present: Sheryl Romasco, Jill Kenrick, Roy Henry, Mary Brundage, & Beth Butler.

Call to order at 10:00 AM.

Minutes of March 27, 2013 reviewed and approved.

**Motion made to accept the minutes of March 27, 2013 made by Beth and seconded by Mary.**

**Unanimous, motion approved.**

### OLD BUSINESS:

1. Buffum Cemetery #25 – The wooden post with reflector which was damaged during winter snowstorm has not yet been repaired & mounted by DPW. Also, heavy equipment due to home-building in the area, as well as school buses are threatening to cause serious damage to the cemetery's stonewall due to its very nearness on the road. Sheryl to speak with Benn Sherman (DPW) as well as to the Town Manager, and Police Chief.
2. Stephen Holbrook Cemetery #35. – Summary below, concerning the status of the Mountain View Estates Definitive Subdivision Modification Plan filed on 4/4/2013 with the Uxbridge Planning Board by applicant Lawrence Hill, Albee Realty Trust:
  - a) 24-APR-2013: Jill & Beth attended the P.B. public hearing and presented our committee's concerns & needs of the Holbrook Cemetery. (Our documentation will be filed with these minute meetings). The P.B.'s public hearing on Mountain View Estate was continued to May 8, 2013.
  - b) 08-MAY-2013: Mountain View Estates public hearing was "continued to the next P.B.meeting" because the P.B. has not yet received additional input from the Town's engineering company. The P.B. meeting minutes of 8-May-2013, concerning Mountain View Estates, included the following: "The board will not receive review details from Graves Engineering until May 22, 2013. **Motion** by Mr. Desruisseaux to continue the public hearing listed as '**FY13-06 Mountainview Estates**' to the next scheduled meeting. Seconded by Ms. Butler, the motion carried unanimously."
  - c) 22-May-2013: Chairman Joe Leonardo announced at the beginning of the P.B. meeting that the Mountain View Estates public hearing would be continued to the next meeting on June 12, 2013, at the request of the applicant and Heritage Design. Also, as the 3<sup>rd</sup> agenda item on the P.B. agenda that night, the P.B. made the motion (by Mr. Desrusseaux) to continue the '**FY13-06 Mountainview Estates**' to **June 12, 2013. Motion made 4-0.**
3. David Southwick Cemetery #20 (255 Chocolog Rd.) – Roy and Carl Albin have cleared and cleaned-up the area where a large tree had fallen within the cemetery.

**Motion made to pay Roy \$50. 00 for clean-up of downed tree in Southwick Cemetery # 20 made by Beth and seconded by Sheryl. Motion approved 4 to 1 (abstained-Roy).**

4. American Flags on Veterans' graves - in anticipation of Memorial Day, on May 27th, Committee members are set to meet on Sunday May 19, 2013 at 8:00 AM at St. Mary's Cemetery to begin flag placement. Sheryl and Beth to look into flag procurement practices for next year due to possible changes in funding.

**NEW BUSINESS:**

1. Gifford Cemetery #22 – (620 Quaker Highway). Sheryl spoke with the new owner of property surrounding this cemetery, Stephen Bevilaqua. Mr. Bevilaqua has volunteered to use his equipment and time to clear brush around the cemetery perimeters and will create a stone pathway from his adjacent log cabin property to the cemetery. Sheryl explained that while most of the memorial stones are not in “good shape” but it was equally important that Mr. Bevilaqua understand that some field stones are also a part of the cemetery, and not to move them. Mr. Bevilaqua to be in touch with Sheryl on any progress made to the cemetery.
2. Roy Henry's Summary of Cemetery Inspections and Clean-up:
  - a) Almshouse Cemetery#27 – Roy and Beth cut back a lot of overhanging limbs around the cemetery's borders. There is another dead tree limb hanging (near the entrance on left) that likely requires chain-saw work. A lot of trash left in parking area. Cemetery now just needs to be mowed. Beth & Roy to go back to trim forsythia bushes after their flowering. Also noted was a tree within the street turn-around that may be removed – depending if it is a good tree – Dogwood or junk tree to be removed.
  - b) Dewolf Cemetery #18 – A very large tree down on the pathway (in woods) into the cemetery, close to the road, (30 Erickson St). Need access to get through by cutting a pathway through the tree trunk. Sheryl to ask Chris Cotter about the current abutter to request cutting downed tree and moving it aside.
  - c) Morse Cemetery#17 – (382 Elmwood St.) – Cemetery is fine. There are some trees down in the woods used to access the cemetery, but someone (abutters) are in the process of cutting them up.
  - d) Norden Cemetery #6 – (994 Millville Rd) – Trimming and removal of branches around the cemetery wall was completed. The chained trash can has disappeared. A stone angel from one gravestone has fallen, but is still there on the ground. Two 15-17 ft. high pine trees (in the front corner of stone wall have roots impinging on the wall and need to be cut down. Also some Hemlocks are too large and close to two memorial stones.

**Motion made by Sheryl for Roy to get an estimate for the cost of work from Carl Albin for the cutting and removal of the pine trees at Norden Cemetery. Seconded by Beth. Motion approved 5-0.**

- e) Gideon Mowry Cemetery#15 – (92 Glendale Rd.) – Two branches down & removed. An End-cap stone from the cemetery wall is down, likely caused by abutter's snow plowing as the wall is about 5 ft away from the driveway. Need to have DPW place a wooden pole with reflector to protect the wall.
- f) George Aldrich Cemetery #16 – (22 Glendale Rd.) – There are some limbs and branches which need to be removed from the site.
- g) Daniels Cemetery#3 – (224 Henry Street) – Minor clean-up completed by Roy.

- h) Bassett Cemetery #4 – (off 224 Henry Street) – Roy states this cemetery looks fine and that abutter Jason Hansen has done clearly around the cemetery and made some major improvement to the cemetery's access and protection from over-growth of trees surrounding it.
  
- 3. Form E's – Mass. Historical Commission applications need to be completed to further protect our historical cemeteries. Summer project for us to get back into working on them.

**Schedule of Next Cemetery Committee Meetings for 2013:**

- Wednesday, **June 5, 2013** @ 10:00 AM at Jill Kenrick's house.

Disposition of Cemetery Files from Shelly Merriam: Jill has picked up 4-5 file boxes that were part of Shelly's collection of data, history and information since the inception of the committee. Boxes/files need to be correlated and condensed for eventual storage at the Uxbridge Library's historical & reference room.

**Motion made to adjourn at 11:36 AM by Sheryl, seconded by Mary. Unanimous.**

Uxbridge Historic Cemetery Committee

**U.H.C.C. Meeting Minutes for May 15, 2013**

Approved unanimously on Wednesday, June, 2013:

*Roy Henry*

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*Mary H. Brundage*

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*Beth J. Burr*

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*Jill C. Kenrick*

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*Sheryl S. Romasco*

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Respectfully submitted,  
Jill Kenrick  
Secretary  
Uxbridge Historic Cemetery Committee

TOWN OF UXBRIDGE

UXBRIDGE HISTORIC CEMETERY COMMITTEE

21 South Main Street  
Uxbridge Massachusetts, 01569

MEMORANDUM

DATE: April 16, 2013  
TO: Planning Board  
FROM: Sheryl Romasco Chair, Jill Kenrick, Secretary, of the Uxbridge Historic Cemetery Committee  
RE: Comments on Mountainview Estates, Modification to a Definitive Subdivision

As requested in the Planning Board's (PB) memorandum dated April 4, 2013, requesting comments on the application for a Definitive Subdivision Modification Plan for Mountainview Estates, the Uxbridge Historic Cemetery Committee (UHCC), offers the following to the PB for consideration, (and hoped-for adoption) of their review of the application.

The following documents were received and reviewed: (1.) Drawings entitled "Mountainview Estates, A Definitive Subdivision Modification Plan in the Town of Uxbridge, Revised 04/02/2013," prepared by Heritage Design Group. (2.) Email File sent by PB Adm. Assistant, Donna Hardy, submitted by Cheryl Peterson, Chief Engineer at Heritage Design Group; containing additional information concerning the application - total 33 pages; Stamped: "Received by Uxbridge Town Clerk - Apr 4, 2013".

**The UHCC's sole concern in this applicant's request for a modification to the approved subdivision is the preservation, access to maintain, and the protection of the historic cemetery known as the "Stephen Holbrook Cemetery #35."**

While incorporating "two" of the initial UHCC requests partially, other important cemetery aspects were omitted in the earlier subdivision plan. On June 11, 2008, the PB signed their approval on a "Definitive Subdivision Plan, Mountainview Estates, A Conventional Subdivision, In the Town of Uxbridge, Massachusetts, prepared for Albee Realty Trust, dated August 25, 2005; Heritage Design Group."<sup>1</sup>

Subdivision of the land has resulted in the Stephen Holbrook Cemetery #35 being totally, land-locked & isolated from the original Holbrook Family Homestead house (55 Albee Road); and maintenance access blocked by the back boundary lot lines of 5 house lots.

The applicants/Heritage Design Group had added two "Proposed 15' wide No Disturbance Easements" on 2 ½ sides of the cemetery's fieldstone wall, and a "Proposed 15' wide Access Easement to the Holbrook Cemetery" which ran from the subdivision's "Proposed Mountainview Road" and within/along the western side boundary line of Lot #2.

The UHCC's unresolved concerns with the 2008 Approved Mountainview Definitive Subdivision Plan were the following:

- 1.) The Stephen Holbrook Cemetery, as shown, was not marked with the symbol of a cemetery (†).
- 2.) The Cemetery was designated on the subdivision plan as: "N/F Holbrook Farms Estates Development Inc, Map 41 Lot 1849."
  - The designation should have read: "Stephen Holbrook Cemetery #35; Map 41 Lot 1849 (which is o.k.), but we also request an actual deed reference of "Deed Book 21704, Pg. 54" - from when the cemetery was

<sup>1</sup> Worcester Registry of Deeds: Plan Book 868 Plan 103; filed on 02-July-2008.

last situated "within" the original Holbrook Homestead parcel of land – meaning the "Parcel Two – House Lot." There are several important reasons for this request.

Our concerns have major implications in terms of the cemetery's preservation, and protection; as well as the perpetuity/clarity of any deeds/or title searches concerning abandoned burial grounds within the limits of the Town, and within Massachusetts.<sup>2</sup> The UHCC is not against the development of any property; but old (more than 100 years), burial grounds, in and of themselves, are not "owned" by the individuals or corporations who purchase the property which surround these burial grounds. There are 33 historic cemeteries/burial grounds in Uxbridge which our Committee oversees.

- 3.) The Expectation/Request of the developer to transfer the Stephen Holbrook Cemetery #35's parcel, (3,448 S.F.), via a Quit Claim deed (for \$1) to the Town of Uxbridge, and submitted to the Worcester Registry of Deeds prior to any further subdivision development of the remaining house lots:
- A cemetery reference that is only, within any of the definitive subdivision drawings is not legally adequate protection and preservation in perpetuity for this cemetery.
  - It's a small cost to the developer considering the expenses already incurred and to occur in further sales or development of the remaining parcels/lots.
  - Provides a proper, lasting classification and "charity designation" within the Uxbridge Assessor's Office.
  - This Quit Claim deed can easily, and must include an actual Metes and Bounds description of the cemetery. Since 1999, and the property's subsequent sale to two different developers; two different surveying firms have filed in the Registry of Deeds several 81P's, or subdivision plans that have drawings showing the actual Metes and Bounds description of this cemetery. However, surrounding boundary lot lines leading up to and from the cemetery have continued to evolve and change. Drill holes exist on rocks on the fieldstone walls surrounding the cemetery, and compass degrees have varied; but distances from point to point remain constant. A separate transfer of a deed, listing this descriptive defining aspect of the cemetery is important to protect the town, as well as surrounding abutters. After the Metes and Bounds description, added written references to the cemetery as shown on Plan Book 744 Plan 90 (5-AUG-1999); Plan Book 762 Plans 107 & 108 (30-NOV-2000); or the *first* 2008 Mountainview Definitive Subdivision - Plan Book 868 Plan 103 (02-JUL-2008) can be stated. Also definition of the (still) available 15' wide buffer zone easements and a specific right-of-way easement to access the cemetery must be included on this Quit Claim deed.

In light of the current application for Drawings entitled "*Mountainview Estates, A Definitive Subdivision Modification Plan in the Town of Uxbridge, Revised 04/02/2013*," to be discussed at the 24-APR-2013 PB's Public Hearing; subtle changes on these drawings concerning the cemetery, and the Applicant's requested waiver (to be considered), intensifies the need for oversight of the deeded transfer discussed above. The following reasons are:

- 1) Inadequate "Easement" Descriptions:
- A "Right-of-Way" Easement rather than an "Access" Easement becomes more important in light of the Applicant's proposed waiver request to make and keep the 7-lot as-built, "Mountainview Road" into a private road in perpetuity, possibly under an Owners' Association.
  - The current "*Access easement to the Holbrook Cemetery*" of these drawings is still, dependent upon the Applicant to dutifully follow-through (if/when Lot #2 is built-upon and sold), to write an "easement appurtenant" directly into the deed (not just a reference to the subdivision plan/drawing) that will pass with the transfer of the property to each & every new owner of this parcel/lot. If Mountainview becomes a Private Road with or without an Owners' Association it's important for all property owners/potential

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<sup>2</sup> M.G.L. Chapter 114 § 18 – Care of Neglected Burial Places within the Limits of the Town; and M.G.L. Chapter 114 § 17 – Preservation of Ancient Burial Places.

buyers to understand the implications of being able to meet the infrequent access to the Stephen Holbrook Cemetery, to do routine 3x's seasonal mowing/inspection, or storm damage assessment. These considerations can become "cloudy" when access is not an Accepted public road, or when a historic cemetery does not have any direct frontage on one of the Town's roads.

- The pitch (slope) of the "proposed" 15' wide access easement is still uncertain according to these drawings. The road may "remain as-built," but Lot #2 has substantial ledge remaining for its 1-acre size - not only where the proposed house is to sit upon, but to the UHCC, where the designated access path is located on Lot #2's side boundary line with Lot #1; and between the steep slope, as to how level the 15' width will eventually be. Also the only entrance into the cemetery walls is in the middle of the northeastern side of the stonewall, (within the proposed "no disturbance zone" for Lot #1).
- Potential home/parcel buyers of Lots #1, #2 and #3 should be made aware, prior to any "bank closings" what the requested "buffer zone areas" entail, which are currently listed on the drawings as "No Disturbance Easements." If only stated on the subdivision's drawings, it could give the impression that "no disturbance" was to occur only during the construction phases of the lots. When in fact it means that UHCC tries to keep brush, shrubs, trees, etc. from impinging upon & within that 15' wide area next to the boundary of the cemeteries.
- Finally, at the roadside entrance to the preferred "right-of-way" pathway, the UHCC always tries to ensure that our private maintenance person can unload equipment and safely park- if it's not written into a Homeowner's Association documents; or given that it may be a private road, this has to be anticipated and taken care of.

Since 1996, the Uxbridge Historic Cemetery Committee has strived to work closely with property owners near to our historic cemeteries - to develop relationships that do not excessively intrude upon their property rights or privacy, while overseeing the preservation needs of these ancient burial grounds.