



TOWN OF CHILMARK

CHILMARK, MASSACHUSETTS

TOWN OFFICES:
Beetlebung Corner
Post Office Box 119
Chilmark, MA 02535
508-645-2100
508-645-2110 Fax

www.chilmarkma.gov

FROM: Sally Cook, Chilmark Cemetery Commission Chair

TO: Chilmark Board of Selectmen

DATE: DECEMBER 9, 2020

RE: Revision of Chilmark Cemetery Regulations and Policies for review at December 15, 2020 Meeting of the Board of Selectmen

DOCUMENTS:

- Proposed Chilmark Cemetery Regulations and Policies as revised by Chilmark Cemetery Commission (CCC) on 12/3/2020
- Proposed Cemetery Lot Application Form with plot size and price revisions (red-lined)
- On official town website - 4 documents currently in effect:
 - a. Cemetery Regulations (Approved by BOS April 18, 2017)
 - b. Cemetery Lease and Burial Policies (Approved by BOS April 18, 2017)
 - c. Grave Decorations Regulations (Approved by CCC March, 2018)
 - d. Current Cemetery Lot Application Form

REASONS for REVISING:

- Pull together three of the four documents presently on the website into one simplified, more easily understood set of Regulations and Policies.
- Conserve on burial space by reducing size of plots offered for leasing.
- Expand eligibility to Town residents who do not own property, but also require a five-year wait.

PROCESS SUMMARY:

In June 2019, the Chilmark Cemetery Commission embarked on a project to review the 2017 Cemetery regulations and policies, crafted by the former Commissioner and Chair, John Flender.

At the time, the recently appointed and elected commissioners brought a new perspective to cemetery regulations as well as maintenance.

After one year and six months of meetings, with much input from our loyal Superintendent and diligent Town Clerk, the Commissioners are presenting a final draft of proposed revisions for review, comment, and guidance from the Chilmark Board of Selectmen.

A public hearing is scheduled for December 30, 2020.

Chilmark Cemetery Commission

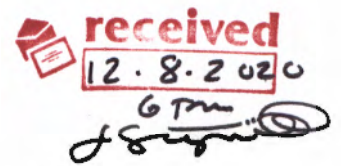
Sarah S. Cook, Chair

Judith Y. Flanders

Laurisa D. Rich

Proposed Revision of the Chilmark Cemetery Regulations & Policies

Approved by Cemetery Commissioners on Dec. 8, 2020



Proposed Chilmark Cemetery Regulations and Policies as revised 12/3/20

The Chilmark Cemetery Commissioner have set forth the following rules and regulations for the plot use, care and historical preservation of Abel's Hill Cemetery. The authority to do this is found in Chapter 114 of the Massachusetts General Laws.

I. Eligibility to lease a cemetery plot

- A. A current Chilmark resident or owner of a buildable lot may lease a cemetery plot. Eligibility criteria must have existed for 5 consecutive years prior to applying.
- B. Chilmark active-duty members or Veterans of the U.S. Armed Forces or those who have been granted special Veteran's status by Congress may lease a plot.
- C. Owners of a Life-Estate in Chilmark may lease a plot.

II. Plot lease policies

- A. Cemetery plots are leased by consecutive number.
- B. Only 1 (one) plot may be leased by each eligible applicant.
- C. The plot leasee(s) acquires the right of burial only and is subject to these rules and regulations.
- D. It is the duty of the plot leasee(s) to notify the Town of any change of address.
- E. Burial sites in the "King Plot" are reserved for special situations.
- F. No interments or inurnments may be made without a burial permit issued by the Health Agent or Town Clerk.
- G. Plot use:
 - 1. The current leasee(s) of record shall decide who may be buried in the plot.

2. In the event that there is no living holder of a cemetery plot and no recognition of an heir, then any direct descendent of the original lease holder, with a signed affidavit, may be buried in the plot on a first come, first served basis.

H. Transfers of Plot Lease Ownership:

1. Transfers may be made according to the terms of an individual's will, a group's (Trust, LLC, etc) expressed legal documents or as provided under the Laws of the Commonwealth of MA.
2. The Town must be notified if name of lease holder changes.
3. Empty cemetery plots may be donated or sold back to the town. The sale price or donated value will be equal to the amount originally paid for the lease.
4. All other transfers of ownership are prohibited.

III. Casket Burials, Green Burials and Cremations

A. The number of burials permitted in each plot is as follows:

Approximate Plot Size	# Caskets with Liner	# Caskets w/o Liner	Green Burials	# of Urns/ Cremains
Full Plot 11' x 11'	3	4	4	8 / #TBD
Half Plot 5.5' x 11'	1	2	2	6 / #TBD
Crem Plot 5.5' x 5.5'	0	0	0	4 / # TBD

- B. "Green Burial" is defined, for the purpose of these regulations, as a burial where the deceased is buried in a casket made of soft wood or other biodegradable materials like cardboard or wicker or is buried in a shroud made of natural fabric. The casket, shroud or natural burial trundle (wooden tray with handles used for transport or lowering) rests directly on the earth at a depth of 3.5ft - 4ft. No embalming chemicals, cement vault, grave liner, hardwoods, metals, plastics or non-biodegradable items are allowed in the grave.
- C. Burial sites in the so called "King Plot" measure 4'x4' and are suitable for cremains only and one (1) upright or flat? stone.

- D. Cement liners and embalming are not required for burials.
- E. No animals may be buried at the cemetery.

IV. Permanent markers

- A. All stones, monuments, benches and statuary must be approved by the Superintendent of the Cemetery prior to planning and installation.
- B. A single monument on each plot, with multiple inscriptions, may be as tall as 3.5 feet above ground level, width not to exceed the height.
- C. A single bench may be substituted for a monument.
- D. Flat markers may be no larger than 12" x 24" and must be no higher than ground level.
- E. Statuary may be substituted for a monument only with cemetery commission approval.
- F. The numbers of stones or markers permitted on each plot is as follows:

Plot Size	Maximum # of Stones or Markers
Full Plot	4 / 3 (1 upright & 3 flat OR 0 upright & 4 flat)
Half Plot	3 (1 upright and 2 flat)
Crem. Plot	1 (1 upright or 1 flat)

V. Perennial Plantings

- A. Small native trees and shrubs are preferred over non-natives. Please refer to Polly Hill Arboretum's plant-finder data base <http://plantfinder.pollyhillarboretum.org> for guidance.

- B. It is the responsibility of plot Leasee(s) to maintain the plantings on their plot.
- C. All perennial plantings, except annuals, must be approved before placement by the cemetery superintendent, including professional designs.
- D. Cemetery maintenance may include the trimming or removal of trees, shrubs and plants which are neglected, extend beyond the plot boundary(-ies), significantly impede mowing or become unsightly.

VI. Decorations

- A. Fresh cut flowers, potted plants or greens are the preferred decorations in the cemetery. Glass containers and artificial flowers (plastic, fabric, paper) are not allowed.
- B. All decorations and annual plants should not extend within 12" of the plot boundary.
- C. Artificial light and open flames are not permitted in the cemetery (i.e. vigil lights, candles, battery or solar powered lights, and open flames.)
- D. All small statuary, stones, shells, mementoes must rest on top of the single monument, bench or flat stone - not on the ground.
- E. Hanging items (lanterns, bird feeders/houses, whirligigs) are not allowed in the cemetery. Personal items (clothing, sporting equipment, trophies) shall not be placed as a memorial on the grave.
- F. It is the responsibility of plot Leasee(s) to maintain their decorations and remove them in a timely manner. Memorial Day military tributes may remain through Veteran's Day. Holiday greens are allowed between Thanksgiving and February 1st.
- G. The cemetery superintendent reserves the right to remove decorations or items not within the regulations.

Within the parameters of these Rules and Regulations, any disputes among lease holders, groups or heirs will not be adjudicated by the Superintendent or Cemetery Commission. Disagreements must be resolved among the participants.

Implementation of these Rules and Regulations may be modified in limited and special circumstances after review and vote by the Cemetery Commission. A request for consideration of modifications must be submitted in writing to the Commission.

The Town of Chilmark disclaims responsibility for any damage or injury to monuments, markers or plantings in Abel's Hill Cemetery.

Approved by Chilmark Cemetery Commissioners, 12/8/2020

Current Chilmark Cemetery Regulations & Policies

WITH MARK UP TO SHOW CHANGES PROPOSED

by Cemetery Commissioners on Dec. 8, 2020

Proposed Chilmark Cemetery Regulations and Policies
Cemetery Regulations (Feb 2018), Cemetery Lease and Burial Policies (2017), Recommendations of the Chilmark Cemetery Commission re: Grave Decoration (March 2018)

Black text - proposed regulations

Green text - as written in former regulations, policies & recommendations

= **Unchanged or reworded** =

+ New regulation or statement +

+ ~~Strike through~~ -- deleted entirely in new regulations

+The Chilmark Cemetery Commissioner have set forth the following rules and regulations for the plot use, care and historical preservation of Abel's Hill Cemetery. The authority to do this is found in Chapter 114 of the Massachusetts General Laws.+

I. Eligibility to lease a cemetery plot

- A. +A current Chilmark resident+ or =owner of a buildable lot may lease a cemetery plot=. +Eligibility criteria must have existed for 5 consecutive years prior to applying+.

A Chilmark taxpayer of record of a buildable lot. The owner of a buildable lot (Qualifying Property), regardless of whether a structure stands on it, may lease one cemetery plot. The plot must be registered in the name of record of the owner of the qualifying property.

(This will be moved to Lease application): 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 of a cemetery lot lease in the name of all the owners of the qualifying property.

- B. =Chilmark active-duty members or Veterans of the U.S. Armed Forces or those who have been granted special Veteran's status by Congress may lease a plot.=

Native born Chilmarkers who do not own a buildable lot in Chilmark but who are veterans of or active duty members of the U. S. Coast Guard or other U.S. Armed Services or who have been granted by Congress special Veteran's status as a result of wartime service may lease a 1/4 Lot or 1/2 Lot as needed.=

- C. Owners of a Life-Estate in Chilmark may lease a plot. _____
Owners of a Life-Estate in a habitable dwelling in Chilmark can lease a 1/4 Lot or 1/2 Lot as needed.

II. Plot lease policies

- A. =Cemetery plots are leased by consecutive number.=
- B. Only 1 (one) plot may be leased by each eligible applicant.
Lots are restricted to one per family.
- C. +The plot leasee(s) acquires the right of burial only and is subject to these rules and regulations.+
- D. +It is the duty of the plot leasee(s) to notify the Town of any change of address.+
- E. =Burial sites in the "King Plot" are reserved for special situations.=
- F. +No interments or inurnments may be made without a burial permit issued by the Health Agent or Town Clerk.+
- G. Plot use:
1. The current leasee(s) of record shall decide who may be buried in the plot.
The original owner of the lot lease shall decide who may be buried on that plot.

By written notification, a lease owner may permit someone who is not a family member, nor a descendent of the original purchaser, to be buried at the plot, 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. (Addressed in G1.)

2. ≡In the event that there is no living lease holder of a cemetery plot and no recognition of an heir, then any direct descendent of the original lease holder≡, +with a signed affidavit+, ≡may be buried in the plot on a first come, first served basis≡.

H. Transfers of Plot Lease Ownership:

1. Transfers may be made according to the terms of an individual's will, a group's (Trust, LLC, etc) expressed legal documents or as provided under the Laws of the Commonwealth of MA.

A lease may be transferred upon the death of the owner to the owner's 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.

2. +The Town must be notified if name of lease holder changes.+
3. ≡Empty cemetery plots may be donated or sold back to the town. The sale price or donated value will be equal to the amount originally paid for the lease.≡

4. All other transfers of ownership are prohibited.

III. Casket Burials, Green Burials and Cremations

A. The number of burials permitted in each plot is as follows:

Approximate Plot Size	# Caskets with Liner	# Caskets w/o Liner	Green Burials	# of Urns/ Cremains
Full Plot 11' x 11'	3	4	4	8 / #TBD
Half Plot 5.5' x 11'	1	2	2	6 / #TBD
Crem Plot 5.5' x 5.5'	0	0	0	4 / # TBD

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	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

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.

B. "Green Burial" is defined, for the purpose of these regulations, as a burial where the deceased is buried in a casket made of soft wood or other biodegradable materials like cardboard or wicker or is buried in a shroud made of natural fabric. The casket, shroud or natural burial trundle (wooden tray with handles used for transport or lowering) rests directly on the earth at a depth of 3.5ft - 4ft. No embalming chemicals, cement vault, grave liner, hardwoods, metals, plastics or non-biodegradable items are allowed in the grave.

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.

C. Burial sites in the so called "King Plot" measure 4'x4' and are suitable for cremains only and one (1) upright or flat? stone. ≡

D. Cement liners and embalming are not required for burials.
Cement liners are required for all burials except Urn burials and Green Burials.

E. No animals may be buried at the cemetery.

IV. Permanent markers

A. All stones, monuments, benches and statuary must be approved by the **Superintendent of the Cemetery** prior to planning and installation.

All Stones and Monuments are subject to the approval of the Cemetery Commissioners who may authorize the Cemetery Superintendent to approve such markers.

B. A single monument on each plot, with multiple inscriptions, may be as tall as 3.5 feet above ground level, width not to exceed the height.

Although single monuments on each lot with multiple inscriptions are favored,...

C. A single bench may be substituted for a monument.

D. Flat markers may be no larger than 12" x 24" and must be no higher than ground level.

E. Statuary may be substituted for a monument only with cemetery commission approval.

F. The numbers of stones or markers permitted on each plot is as follows:

Plot Size	Maximum # of Stones or Markers
Full Plot	4 / 3 (1 upright & 3 flat OR 0 upright & 4 flat) <u>5</u>
Half Plot	3 (1 upright and 2 flat) <u>3</u>
Crem. Plot	1 (1 upright or 1 flat) <u>2</u>

...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.

All markers shall be chosen at the owners' discretion, subject to the above approval.

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. Perennial Plantings

- A. Small native trees and shrubs are preferred over non-natives. Please refer to Polly Hill Arboretum's plant-finder data base <http://plantfinder.pollyhillarboretum.org> for guidance. 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.
- B. ≡It is the responsibility of plot Leasee(s) to maintain the plantings on their plot.≡
- C. All perennial plantings, except annuals, must be approved before placement by the **Cemetery Superintendent**, including professional designs. All plantings must be pre-approved by the **Cemetery Commissioners**.
- D. +Cemetery maintenance may include the trimming or removal of trees, shrubs and plants which are neglected, extend beyond the plot boundary(-ies), significantly impede mowing or become unsightly.+

VI. Decorations

- A. ≡Fresh cut flowers, potted plants or greens are the preferred decorations in the cemetery.≡ +Glass containers and artificial flowers (plastic, fabric, paper) are not allowed.+ All plastic items and fabric flowers are not allowed since they are light weight and can be blown about.

- B. +All decorations and annual plants should not extend within 12" of the plot boundary.+
- C. Artificial light and open flames are not permitted in the cemetery (i.e. vigil lights, candles, battery or solar powered lights, and open flames.) Any item, dependent on an open flame or battery for light, is prohibited.
- D. All small statuary, stones, shells, mementoes must rest on top of the single monument, bench or flat stone - not on the ground. Rocks/beach stones should be placed only on markers above ground level. Please do not put these items on markers flush with the ground, nor scattered on the grave site, as such placement will impede the work of a mower or trimmer and could cause damage to machinery and harm to anyone in the path of an airborne projectile.
- E. Hanging items (lanterns, bird feeders/houses, whirligigs) are not allowed in the cemetery. All hanging items, including bird houses and feeders, must be approved by the Cemetery Commission before placement =Personal items (clothing, sporting equipment, trophies) shall not be placed as a memorial on the grave.=
- F. It is the responsibility of plot Leasee(s) to maintain their decorations and remove them in a timely manner. Memorial Day military tributes may remain through Veteran's Day. Holiday greens are allowed between Thanksgiving and February 1st. Owners of lot leases are asked to remove flowers, wreaths and other items after they have withered, (or will be removed at owner's expense.)
- G. =The Cemetery Superintendent reserves the right to remove decorations or items not within the regulations.=
Although the upkeep of a lot is the lessee's responsibility, the Cemetery Superintendent may remove any mementos on a grave site that have become old, no longer useful, broken, unsightly or not meeting the approval of the Cemetery Commission.
Any items, thus removed, will be stored in the cemetery shed for 30 days during which period the items may be re-claimed before disposal.

≡Within the parameters of these Rules and Regulations, any disputes among lease holders, groups or heirs will not be adjudicated by the Superintendent or Cemetery Commission. Disagreements must be resolved among the participants.≡

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.

+Implementation of these Rules and Regulations may be modified in limited and special circumstances after review and vote by the Cemetery Commission. A request for consideration of modifications must be submitted in writing to the Commission.+

+The Town of Chilmark disclaims responsibility for any damage or injury to monuments, markers or plantings in Abel's Hill Cemetery.+

Approved by Chilmark Cemetery Commissioners, 12/8/2020

Proposed Revised Chilmark Cemetery Application Form
(voted at the Feb. 20, 2020 Cemetery Commission Meeting)

Town of Chilmark
ABEL'S HILL CEMETERY
LOT APPLICATION
P.O. Box 119
Chilmark, MA 02535-0119

Applicant's Name: _____
Last First Middle

Veteran: Yes No

Name Chilmark Property is taxed under: _____

Chilmark Property Street Address: _____ Map: _____ Parcel: _____

Chilmark Property Phone Number: 508-645- _____ Email: _____

Chilmark Property Mailing Address: _____

Applicant's Off Island Address: _____

Applicant's Off Island Phone Number: _____

REQUESTED LOT SIZE:

- FULL LOT Four Caskets/8 Creations 11'x11' \$1200.00
- HALF LOT Two Caskets/4 Creations 11'x 5.5' \$600.00
- CREMATION LOT 5.5'x5.5' \$300.00

For the purposes of this application I swear that I am a Chilmark property owner and that the information given above is true to the best of my knowledge. I understand that if I am assigned a lot by the Cemetery Commission I will be subject to all the rules and regulations promulgated by the Commission concerning its use and may not sell the lot. Signed under the pains and penalties of perjury,

Applicant's Signature Date

**Please make checks payable to The Town of Chilmark*

Assessor's Certification of Ownership

The above named applicant is is not the owner of record for Map: _____ Parcel: _____

Owner of Record: _____

Assistant Assessor's Signature Date

● For office use only ●

Paid Amount: _____ Paid Date: _____ Payment Type: _____

Application received and found to be proper by Superintendent: _____ Date: _____

Reviewed by Cemetery Commission on: _____ Clerk: _____

Approved Denied by Vote of the Cemetery Commission. Clerk: _____

LOT #: _____ AVENUE: _____ SIZE: FULL / HALF/ CREM.

Current Chilmark Cemetery Regulations & Policies
as published on Town website
by Cemetery Commissioners on Dec. 8, 2020



Chilmark Massachusetts

Published on *Chilmark MA* (<https://www.chilmarkma.gov>)

[Home](#) > [Boards & Committees](#) > [Cemetery Commission](#) > Cemetery Regulations (2018)

Cemetery Regulations (2018)

I. Eligibility to apply for a Cemetery Lot:

- A. A Chilmark 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 or active duty members of the U. S. Coast Guard or other U.S. Armed Services or who have been granted by Congress special Veteran's status as a result of wartime service may lease a ¼ Lot or ½ Lot as needed. Owners of a Life-Estate in a habitable dwelling in Chilmark 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	Number of Urns	Number of Stones, Green Burials or Markers
Full Lots	11' X 22'	4	8	5
Half Lots	11' X 11'	2	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 April 18, 2017

Amended by the Chilmark Cemetery Commission February 8, 2018

Source URL: <https://www.chilmarkma.gov/cemetery-commission/pages/cemetery-regulations-2018>



Chilmark Massachusetts

Published on *Chilmark MA* (<https://www.chilmarkma.gov>)

[Home](#) > [Boards & Committees](#) > [Cemetery Commission](#) > Cemetery Lease, Burial Policies (2017)

Cemetery Lease, Burial Policies (2017)

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.

Approved by the Chilmark Selectmen April 18, 2017

Source URL: <https://www.chilmarkma.gov/cemetery-commission/pages/cemetery-lease-burial-policies-2017>



Chilmark Massachusetts

Published on *Chilmark MA* (<https://www.chilmarkma.gov>)

[Home](#) > [Boards & Committees](#) > [Cemetery Commission](#) > Cemetery Grave Decorations Regulations

Cemetery Grave Decorations Regulations

Recommendations of the Chilmark Cemetery Commission re: Grave Decoration (March 2018)

1. The best possible items to bring to a grave are fresh cut flowers and/or greens, in a container that can be removed. It is the lessee's responsibility to remove what is brought to a grave site and clear the lot of decayed decorations, in a timely manner.
2. All hanging items, including bird houses and feeders, must be approved by the Cemetery Commission before placement (Refer to #5 below).
3. It is recommended that personal clothing and sports equipment, though carrying meaning about the life of the deceased, not be placed as a memorial in the cemetery.
4. Rocks/beach stones should be placed only on markers above ground level. Please do not put these items on markers flush with the ground, nor scattered on the grave site, as such placement will impede the work of a mower or trimmer and could cause damage to machinery and harm to anyone in the path of an airborne projectile.
5. Although the upkeep of a lot is the lessee's responsibility, the Cemetery Superintendent may remove any mementos on a grave site that have become old, no longer useful, broken, unsightly or not meeting the approval of the Cemetery Commission. Any items, thus removed, will be stored in the cemetery shed for 30 days during which period the items may be re-claimed before disposal.
6. Please note details on plantings, number V in the Chilmark Cemetery Commission Regulations. All plantings must be pre-approved by the Cemetery Commissioners.
7. Any item, dependent on an open flame or battery for light, is prohibited.
8. Free standing statuary must be approved by the Cemetery Commissioners and, if approved, placed out of the way of the lawn mower.
9. All plastic items and fabric flowers are not allowed since they are light weight and can be blown about.

Source URL: <https://www.chilmarkma.gov/cemetery-commission/pages/cemetery-grave-decorations-regulations>

Current Chilmark Cemetery Application Form
as published on Town website

Town of Chilmark
ABEL'S HILL CEMETERY
LOT APPLICATION
 P.O. Box 119
 Chilmark, MA 02635-0119

Applicant's Name: _____
Last First Middle

Veteran: Yes No

Name Chilmark Property is taxed under: _____

Chilmark Property Street Address: _____ Map: _____ Parcel: _____

Chilmark Property Phone Number: 508-645- _____ Email: _____

Chilmark Property Mailing Address: _____

Applicant's Off Island Address: _____

Applicant's Off Island Phone Number: _____

REQUESTED LOT SIZE:

- FULL LOT Four Caskets/8 Cremations 11'x22' \$1200.00
- HALF LOT Two Caskets/4 Cremations 11'x11' \$600.00
- OTHER

For the purposes of this application I swear that I am a Chilmark property owner and that the information given above is true to the best of my knowledge. I understand that if I am assigned a lot by the Cemetery Commission I will be subject to all the rules and regulations promulgated by the commission concerning its use and may not sell the lot. Signed under the pains and penalties of perjury,

 Applicant's Signature Date

**Please make checks payable to The Town of Chilmark*

Assessor's Certification of Ownership

The above named applicant is is not the owner of record for Map: _____ Parcel: _____

Owner of Record: _____

 Assistant Assessor's Signature Date

●For office use only ●

Paid Amount: _____ Paid Date: _____ Payment Type: _____
 Application received and found to
 be proper by Superintendent: _____ Date: _____

Reviewed by Cemetery Commission on: _____ Clerk: _____

Approved Denied by Vote of the Cemetery Commission. Clerk: _____

LOT #: _____ AVENUE: _____ SIZE: FULL / HALF / OTHER

**CHILMARK CEMETERY COMMISSION
PUBLIC HEARING
WEDNESDAY, DECEMBER 30, 2020
3:00PM
VIA REMOTE PARTICIPATION
WWW.CHILMARKMA.GOV/CEMETERY-
COMMISSION**

The Chilmark Cemetery Commission will hold a **Public Hearing on Wednesday, December 30, 2020, at 3:00PM via remote participation** to review proposed revisions to the Town of Chilmark Cemetery Regulations and Cemetery Policies.

Proposed revisions are on file with the Town Clerk and available for review at www.chilmarkma.gov/cemetery-commission.

Interested parties are invited to attend the public hearing and/or send comment:

Chilmark Cemetery Commission

P.O. Box 119, Chilmark, MA 02535

Tel: (508)645-2107

Fax: (508)645-2110

Email: jchristy@chilmarkma.gov

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