

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