

TOWN OF COHASSET CEMETERIES



August 2023
Approved Town Counsel August 17, 2023

This is a Cemetery

Lives are commemorated ~ deaths are recorded ~
families are reunited ~ memories are made tangible ~
and love is undisguised.

This is a cemetery.

Communities accord respect, families bestow reverence,
historians seek information and our heritage is thereby enriched.

Testimonies of devotion,
pride and remembrance
are carved in stone to pay warm tribute
to accomplishments and to the life ~
not death ~ of a loved one.

The cemetery is homeland for family memorials
that are a sustaining source of comfort to the living.

A cemetery is a history of people ~
a perpetual record of yesterday and
a sanctuary of peace and quiet today.
A cemetery exists because every life
is worth loving and remembering ~ always.

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1.0 Preamble: In order to ensure the character of the Town Cemeteries, in accord with the mind and practice of the Town of Cohasset, Massachusetts, and to establish and maintain the Cemetery in good order, the Select Board, acting as Cemetery Commissioners, are empowered and have the right to create, revise and enforce the following Rules and Regulations as adopted herein and to exclude from the Cemetery any person violating the same. The Cemetery Superintendent shall operate and manage the Cemetery as per the direction of the Select Board acting as Cemetery Commissioners to manage its cemeteries.

2.0 Formal Adoption: For the mutual protection of the License Holders, families, and visitors in the Town of Cohasset Cemeteries, Beechwood, Woodside Cemetery, Greengate and Cedar Street in accordance with the Massachusetts General Laws Chapter 114, do hereby adopt the following revised rules and regulations. All License Holders and persons within the Cemetery, and all graves and other burial options shall be subject to said Rules and Regulations. The Select Board, acting as the Cemetery Commissioners shall adopt such amendments or alterations thereof or additions thereto as needed from time to time. Reference to the Rules and Regulations in the document conveying the right of interment shall have the same force and effect as if set forth in full therein.

3.0 Purpose of Cemetery: The Cemetery is intended for the interment of those entitled to burial according to the requirements of the General Laws of Chapter 114 and the Rules and Regulations of the Town of Cohasset Cemeteries. In accordance with state law, lot and grave License Holders have the right to burial but do not own the grave / lot itself. The Select Board, acting as the Cemetery Commissioners and the Management shall decide any questions on the burial of any others not defined according to the Rules & Regulations, and such will be binding on both parties.

The conveyances of the rights of interment shall be exclusively limited to those individuals approved by the Town's The Select Board, acting as the Cemetery Commissioners and its appointed Cemetery Commission and management. The Department of Public Works and the Select Board have final authority on conveyance of all burial rights.

4.0 Admission to Cemetery: The Management reserves the rights to refuse admission to the Cemetery and the use of any Cemetery equipment or facilities at any time to any person or persons, as the rules, judgment, and traditions may dictate.

No organization, except those approved by the Management will be permitted to conduct services in the Cemetery.

The Town, Commission, and its Management shall be in no way be liable for any delay in an interment of a body where a protest to the interment has been made, or where Rules & Regulations have not been complied with, or forbid such interment; and further, said Management reserves the right under those circumstances for the agent or family to hold the body until rights have been determined. Any protest shall be required to be in writing and filed in the office of the Cemetery.

5.0 Interment/Entombment Procedures: (see also Instructions to License Holders) Burial services shall be scheduled between the hours of 8:00 AM and 2:00 PM; Monday through Friday. Interments and inurnments requested beyond the scheduled hours shall be at the discretion of the Management and shall be charged according to the "Cemetery Price List". There will be no interment burial services scheduled on Sundays and the following legal holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day, and/or days determined by the Town. A list of all days determined for no interment services will be posted at the cemetery office.

A Board of Health Burial Permit, a signed Interment Authorization Form and any and all fees for each burial service must be presented to the Cemetery Management before any interment is completed.

Services entering the Cemetery shall be under the charge and direction of Cemetery Management or their designee. The casket or other enclosure may not be opened at any time within the Cemetery without the express permission and in the presence of Management. Management reserves the right to refuse permission without the consent of the all-legal representatives of the deceased or without a court order or authority of civil authority.

6.0 Disinterment/Removal Procedures: No disinterment or removal of deceased body or cremated remains shall be allowed without permission of the Town cemetery authority, or an authorized court order, written authorization of the License Holder and all heirs and a Disinterment/Burial Permit from the Board of Health and the payment of all appropriate fees. No removal of a memorial shall occur without written permission of Management or an authorized court order, written authorization of the License Holder and all heirs.

7.0 Correction of Errors: The Governing Authority, through its Commissioners of the Cemetery and Management reserves and shall have the right to correct any errors that may be made by it either in making an interment, inurnment, disinterment, removal, or in the description, transfer, or conveyance of any rights. This may be done by canceling such conveyances and substituting and conveying in lieu thereof other interment or inurnment rights of equal value and similar location as best possible selected by Management.

8. Instructions to License Holders:

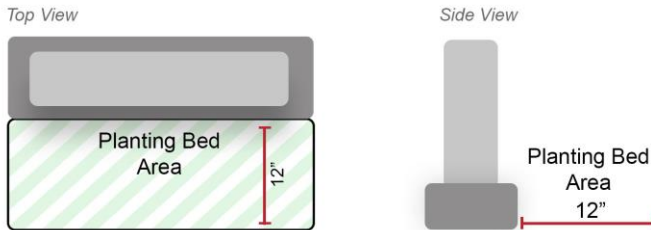
8.1 Scheduling of Interments: Persons wishing to select a grave, or arrange an interment, shall contact or call the Cemetery office in ample time to complete the respective arrangements in accordance with information on the “Interment Authorization Form” and “Cemetery Price List”. Management will be available to assist in coordination of, and confirmation of the necessary arrangements. A Funeral Director as your agent may complete this for you. Arrangement by phone for services will not guarantee the correct information for arrangement. A minimum notice of forty-eight (48) hours (two business days) is requested for arrangements for interment (Monday—Friday). Services requested on Fridays will result in a Tuesday, or later, interment. Saturday service requests must be received by Wednesday. Additional time may be required for winter burial services.

If a Funeral Director or other authorized agent is representing the License Holder or their heirs, the arrangements made by the agent with Management are binding on said License Holder.

8.2 Memorials and Decorations: License Holders may, at their own expense, have the Cemetery install a planting/decoration bed area in front of their respective upright traditional or tablet monuments only. Beds may not exceed 18" in front of the monument and no longer than the length of the base of said monument. No planting is allowed on the side of the monument/memorial. Planting is not allowed in the back of the monument unless graves are owned on both the front and back of the monument. The planting/decoration bed shall be maintained in a neat appearance at all times. No planting/decoration beds are allowed at any flush to the ground surface memorials or markers.

Any object placed on a grave or any Cemetery grounds which does not meet the requirements of the Rules & Regulations, or is deemed offensive, improper or detrimental to the general appearance and safety of the Cemetery by the Management or Commissioners, may be removed without notice. Examples of such decoration are, but not limited to the following: borders, wind chimes, shepherd’s hooks/plant hangers, decorative flags that are hung on metal support frames, glass items or stones.

Annual and perennial plants and bulbs are allowed only within the planting/decoration bed.



Sample drawing of planting/decoration area

The following are not permitted:

The placement of items or plantings within the planting/decoration area that are higher than the monument.

The planting of trees, shrubs, vines, rose bushes, or other growing perennial boundaries

Any plant prohibited by the state of Massachusetts.

<https://www.mass.gov/service-details/massachusetts-prohibited-plant-list>

Artificial/plastic flowers.

The use of fencing or edging around planting beds.

Stone and mulch used as groundcover.

Live flamed candles, solar lighting or lighting of any kind.

Planting beds, potted plants or artificial flowers at flush markers.

Statues.

Scheduled clean-up and maintenance of the entire cemetery, including flower beds (planting/decoration area), will take place twice a year.

8.3 Outer Burial Container (OBC): All interments of a casket or an urn of cremated remains shall be made using a durable outer container made of concrete or other durable material in accordance with specifications determined by the Cemetery Commission and Management. Use of a grave liner, lawn crypt, vault or urn vault is required. No durable outer container used for burial may exceed 34-inches total width and 96 inches total length.

8.4 Capacity: Each single grave is granted the right of ground burial of two (2) deceased human remains, examples being one (1) full casket burial and one (1) of cremated remains or two (2) cremated remains per designated grave as detailed in the License of Burial, unless recorded otherwise on the License of Burial. The Town through its Management, with written approval, may approve additional burial rights.

8.5 Heirs: The use of a lot or grave is for the License Holder(s) and/or their designees only, and not for resale or profit. The rights of interment in an unoccupied lot or grave may only be relinquished to the Cemetery with a written request or transferred/assigned to a family member or heir, if approved by the Cemetery Commission. In the event of the death of the License Holder(s), any and all rights and privileges remaining shall pass to the legal heirs of the License Holder. The Cemetery follows the Laws of the Commonwealth of Massachusetts (Chapter 114, see Appendix B) pertaining to the rights of heirs. All rights of the License Holder(s) and the heirs will be documented with the use of an Interment Authorization Form for each interment right granted.

9.0 Service Fees and Payments: The Governing Body shall establish fees for services and accept payment for each interment, disinterment, installation or removal of memorial foundations, and for the performance of any other service rendered by the Cemetery. All work and services in connection with such services shall be subject to and supervised by said Management.

Any indebtedness due for work or services performed must be paid before an interment in the grave is made, or before a memorial is erected.

The current Schedule of Fees may be modified from time to time and is contained in a document titled "Cemetery Price List".

10.0 Right to Replat and Change: The Governing Body may replat sections of the Cemetery at any time for the erection of buildings, grave development or for any purpose or use connected with, incident to, or convenient for, the care, preservation, or preparation for interment of the deceased or other Cemetery purpose. Replating may include enlarging, diminishing, altering in shape or size or otherwise changing all or part of a portion of any cemetery, including establishing, closing or otherwise modifying the roadways, walks, or drives.

11.0 No Easement Granted: No easement or right is granted to any License Holder in any road, drive, walkway or open space within the Cemetery, but such roads, drives or walkways may be used as a means of access to the Cemetery, family grave(s) and its buildings as long as Management devotes said areas for that purpose. No individual planting of trees, shrubs or other uses are allowed or granted in said open spaces.

12.0 Conduct in the Cemetery: The Cemetery is a sacred place. Persons visiting the Cemetery are always expected and required to conduct themselves in a courteous and respectful manner. No persons should use the Cemetery for loitering, commercial use, or demonstration. Rubbish disposal, flower or shrub sales, soliciting, placement of signs and advertisement and unauthorized assemblages are prohibited. The Town may authorize special events and programs.

The use of motorized vehicles and bicycles is limited to roadways, driveways, and are specifically excluded from walkways and grassed areas. There is no parking in the Cemetery except for Cemetery business and the visiting of graves. Alcoholic beverages and recreational drugs are prohibited from the Cemetery grounds. Children must be accompanied by a parent or guardian when on Cemetery grounds. Leashed dogs are allowed, but must, at all times, be under control. The dog's handler, is responsible for cleaning up and properly disposing of dog waste from the Cemetery.

13.0 Grading & Improvements: The Management reserves the right to complete all landscape work or improvements of any kind and complete all care of lots and graves, or plant, trim, cut or remove all trees, shrubs and herbage within the Cemetery grounds. All such improvements or alterations in the Cemetery shall be by the Cemetery and under the direction of and subject to the approval of the Governing Body and their designated Management.

14.0 Cemetery Hours: The Cemetery grounds are open from dawn (6AM) to dusk each day. Cemetery business is conducted by scheduled appointment only. Please contact Management at the cemetery office located in the DPW building by phone, mail or email between the hours 8-3 PM daily Monday through Friday.

15.0 Outside Workers: Non- Cemetery employees, workers and agents (e.g., Memorial Dealers & Funeral Directors) must have the authorization of the Management of the Cemetery before they may do work in Town of Cohasset Cemeteries. Any outside worker shall request and receive authorization from the Management of the Cemetery before they conduct services or do work in the Cemetery.

16.0 Employees: Cemetery employees are not permitted to do any work for a License Holder, heir or visitor, except upon the order of the designated Management of the Cemetery. Employees and other personnel of the Town of Cohasset Cemetery Division are always required to be civil and courteous to all visitors.

17.0 Loss or Damage: The Town of Cohasset and Management disclaim all responsibility for loss or damage beyond its reasonable control, and especially from damage by an act of God, the elements, insurrections, riots, order of any military or civil authority, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, or any cause similar or dissimilar beyond Management's control, whether the damage is direct or collateral. In the event it becomes necessary to reconstruct, or repair any section of the Cemetery, including graves, tomb(s), niches or crypts or any portion thereof, Management will give notice and make repairs. If it is the responsibility of the License Holder(s) or their heirs to repair said damage, then said notice will be sent to the last known address of the License Holder. If the License Holder does not repair the damages in a reasonable time, the Management may direct the repairs to be made and charge the expense against the lot or grave and to the holder of record.

18.0 License Holder's Change in Address: It shall be the duty of the License Holder(s), and their heirs to notify the Management in writing of any changes in its post office address. Notice sent to the License Holder at the last address in the Cemetery's records shall be considered sufficient and proper legal notification.

19.0 Perpetual Care: Town of Cohasset Cemeteries are a Perpetual Care Cemetery. All money that is designated for the Cemetery's Perpetual Care Trust Fund is used for Cemetery purposes: The principal portion is restricted and set aside for investment and the proceeds (income) are used to provide general care of the Cemetery and the grave or lot designated. Perpetual Care is to be understood as that care and maintenance necessitated by natural growth and ordinary wear, and includes efforts of the staff in the care of the Cemetery including tasks such as cutting of lawns, tree care, cleaning and maintenance of grounds, roadways, walks and buildings, provided there is sufficient income funds for these purposes. Perpetual Care income does not mean the maintenance, repair or replacement of any memorial (i.e., monuments or markers) placed or erected upon any lot or grave: nor the planting, cutting, watering or care of any privately planted flower beds, etc., nor does it mean the reconstruction of any memorials/markers or special work on a lot or grave.

20.0 Memorials & Markers: Rules for Memorial Work: License Holders have the right to place one permanent memorial monument as detailed in the current “Specifications and Requirements for Monuments and Markers” on file at the Cemetery office. No memorial benches are allowed without the express approval of the Cemetery Commission.

All memorial monuments shall be placed by outside workers in a location centered at the head of graves or centered on a lot if multiple graves are so licensed at the head of the graves. All memorial monuments shall be installed on a foundation as constructed by the Cemetery. All Veteran’s Administration (VA) and Foot Markers will be set flush to the ground and on a foundation approved and installed by the Cemetery, at the foot and center of each individual grave. A fee for the service of installing a foundation for a monument/memorial will be set by the Governing Authority. All types of approved memorials or markers to be placed on said graves remain the property of the individual License Holder. Therefore, any safety concerns, damage due to weather, acts of God, vandalism, malicious mischief, or theft, are the owner’s responsibility and should be included on their homeowner’s insurance policy.

A temporary memorial when provided by the Funeral Home for a deceased individual may be placed at the head of the grave at the time of interment services; however, they will be removed in a timely manner and are considered as part of grave decoration and not a permanent memorial.

The License Holder(s), its heirs and its authorized agents (memorial dealers/stone cutters) shall abide by the following:

Prior to their placement of any memorials or markers, the License Holder and their Memorial Dealer shall submit the following to the Cemetery Authority:

- A Memorial Permit Authorization Form signed by the License Holder (or heirs of said lot or grave) and the Memorial Dealer,
- A detailed drawing of the design of the memorials, tablets and markers indicating dimensions, material, inscriptions and images,
- A Certificate of Insurance on file.

The Management, by approval of the Authority, shall review and approve or review and reject monuments, tablets and markers to be placed in the Cemetery based on their size, material or inscriptions per the rules & regulations. Memorials and inscriptions thereon deemed by the Management to be obscene, offensive, unreasonable, commercial, or oversized will be rejected. The size, location and position in which the memorial is to be placed or erected shall be as outlined in current “Specifications and Requirements for Monuments and Markers” on file at the Cemetery office and shall be entirely subject to approval of and under the supervision of Management.

Memorial work may only be completed during Cemetery hours listed herein and with the approval of Management.

Memorial dealer employees, in placing or erecting monuments/markers or bringing materials in regard to such work, shall operate in a safe and efficient manner at all times. As independent contractors, they shall be responsible always for their work as well as any damage to other monuments/memorials and/or Cemetery grounds. All work must conform to the Cemetery Rules and Regulations.

Should any monument or marker become unsightly, dilapidated or a menace to the safety of persons within the Cemetery, the Governing Body, through its Management shall have the right to give written notice to the License Holder or heirs to correct the condition or to remove the same, at the expense of the License Holder.

Soliciting memorial sales or service work within the Cemetery is not permitted.

All memorials/monuments will be placed on a suitable foundation. Foundations shall be installed by the Cemetery or their designee.

21.0 Private Family Estate Mausoleum Memorial: Private Family Estate Mausoleums are allowed per the specification and written approval.

22.0 Persons Aggrieved: Persons aggrieved by these Rules and Regulations and/or the operations or applications by Management have the right of appeal when made in writing to the Management. The Town's Cemetery Commission will have final approval.

23.0 General: The Town of Cohasset Cemeteries, through its DPW and Cemetery Commission and its appointed management reserves the right, without notice, to make temporary exemptions, suspensions, or modifications of any of the Rules & Regulations, when in its judgement, the same appears advisable. In no way, will it be coincided as affecting the general application of such rules and regulations.

The Town, Department of Public Works and Cemetery Commissioners, through its authority, reserves the right at any time to change, amend, alter, repeal, rescind, or add to these rules and regulations or any part thereof, or to adopt any new rule or regulation with respect to its Cemetery or anything pertaining thereto.

The Town of Cohasset and its authorized cemetery management does not discriminate in its programs and activities based on age, color, gender expression/identity, genetic information, marital status, national origin, physical or mental disability, pregnancy, race, religion, sex, sexual orientation, or veteran status, as applicable.

24.0 Authorization: The above revised Rules and Regulations were approved by the Select Board acting as the Cemetery Commissioners on the _____ day of _____, Town of Cohasset, Massachusetts.

25.0 Penalty: The penalty for violations for any of these rules and regulations shall be a written warning of the first offense and fine of \$100 for all offenses thereafter by the same person within the same calendar year. These rule and regulations may be enforced by the Town Manger or any police officer of the Town.

APPENDICES

Definitions:

Burial Rights - This is not a purchase of property, but the rights to burial within a grave(s) or lot, which is defined as grave spaces.

Cemetery - All property within the Town of Cohasset Cemeteries dedicated for the burial of deceased human remains.

Cremated Remains - The final processed substance remains of the reduced composition of the body to inorganic bone fragments.

Decorations - The adornment, ornamentation, embellishment, memorialization, care, or beautification of a grave in accordance with the rules and regulations established by the Cemetery Commission of the Cemetery.

Deed - See License of Burial and Burial Rights.

Outer Burial Container (OBC) - A vault, grave liner, lawn crypt, urn vault or other outer container approved by the Management.

Flag Etiquette - The requirement that a flag of the United States placed upon a grave to honor a Veteran shall not touch the ground and shall not be allowed to remain, if torn or faded, beyond a specified time as determined by regulations of the Department of Defense Veteran Affairs and the Governing Body of the Cemetery.

Flag Holders - Known also as a commemorative marker; a device made to hold a flag of the United States and identifies the branch of service during observances honoring the military.

Funeral Director - Under 239 CMR 3.00, Funeral Director means any individual engaged, or holding himself or herself out as engaged, and licensed in the Profession and Business of Embalming and Funeral Directing.

Governing Body - The independent managing authority of a cemetery as applied to a national, state veteran's cemetery, municipal cemetery, religious cemetery or private non-profit cemetery. For the Town of Cohasset Cemeteries, the Governing Body is the Select Board.

Grantee - See License Holder and Licensee.

Grave - A space of ground in a cemetery used, or intended for use, for the burial of deceased human remains. (Please see License of Burial for the number of burial rights granted and specification for ground burial.)

Grave Liner - An unsealed durable outer container of two or more pieces in which the casket is placed at time of burial in the earth.

Interment - The permanent placement of a dead human body placed in a casket or other enclosure approved by the Management, in an outer burial container, and buried in the ground.

Inurnment - The permanent placement of a cremated human body placed in an urn buried in the ground or a niche.

License Holder - The sole purchaser of the licensed rights of burial of a grave, mausoleum crypt or cremation niche.

License of Burial - A written document that records the sole purchaser of licensed burial rights of a grave(s), lot, crypts or niches located in a cemetery.

Licensee - License Holder.

Lot - A place designated in a cemetery comprised of more than one grave spaces.

Lot Holder - See License Holder.

Management - The person or persons duly appointed by the Select Board (Governing Body) for the purpose of conducting the operations and maintenance of the Cemetery, owned and operated by the Town of Cohasset., with its cemetery office at Department of Public Works, 91 Cedar Street, Cohasset Massachusetts.

Memorials – *Monuments and Markers-*

Traditional Monument: an upright monument, usually with a base and die and made of granite, raised and set on a foundation commemorating the life of a deceased person or persons and placed at the head of a grave(s).

Tablet Monument : a slant faced monument usually made of granite, raised and set on a foundation, at the head of the grave commemorating the life of a deceased person or persons.

Flat Marker Memorial: flush to the ground memorial usually made of bronze or granite, commemorating the life of a deceased person or persons and placed at the head of the grave.

Foot Marker: a memorial centered at the foot of an individual grave, flush to the ground and usually made of bronze or granite.

Veteran's Marker: a foot marker usually made of bronze or granite provided by the US Government specifically for a veteran. Placed at the foot of the individual grave of the deceased.

See "**Specifications and Requirements for Monuments and Markers**"

Perpetual Care - an arrangement made by the cemetery whereby restricted funds (Principal) are set aside, the income of which is used within its operating budget to help maintain the cemetery.

Rights of Interment - the rights given to a License Holder for the use of a specific burial grave, crypt or niche.

Tomb - a structure so designed for the temporary storage of casketed bodies, which are not to be interred immediately.

Vault - an outer burial container that is a two-piece sealed receptacle for additional protection of the casket.

Descent of Heirs – Massachusetts General Laws 114

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter114/Section29>

Descent and Distribution of Cemetery Lots

If a lot owner dies intestate, the lot descends to the heirs-at-law, but subject to the provisions of Chapter 114, Section 29, General Laws 1932. Heirs-at-law are given briefly as follows: General Laws, Chapter 190, Section 3:

Children and issue of any deceased child by the right of representation.
If no issues, then father and mother equal.

If no issue nor mother, then father.

If no issues nor father, then mother.

If no issue and no father or mother, to his brothers and sisters and issues of any deceased brother or sister by right of representation.

According to the above noted Chapter and Section of the General Laws of Massachusetts, LOTS are indivisible. Upon decease of the owner, the title goes to the devisees. If LOT is not specifically mentioned, it goes to the heirs-at-law (see above) subject to the following limitations. If the owner leaves a widow and children, they shall have possession, care, and control, in common, during her life. If he leaves a widow and no children, she shall have possession, care, and control during her life. If he leaves children and no widow, they shall have in common the possession, care, and control, during their joint lives. The widow shall have a right of permanent interment in the LOT, exempt from the laws regulating conveyance, descent, or devise. A husband shall have the same rights in the LOT of his wife.

If two or more persons have possession, care, and control of a LOT, they shall designate and authorize in writing which shall be allowed to use the burial right.

– Notes –



TOWN OF COHASSET
CEMETERIES

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