

NANTUCKET CEMETERY COMMISSION
Posted Meeting of October 13, 2021, at 3:00 pm
Virtual Meeting via Zoom Video Conference

DRAFT MINUTES FOR REVIEW AND APPROVAL

Attendance: Commissioners: Frances Karttunen, Scott McIver, Allen Reinhard (Chair), Lee Saperstein, and Barbara White.

Guest: Ken Beaugrand, Real Estate Specialist (left at 3:04 pm)

1. Call to Order.

Chair Allen Reinhard called the meeting to order at 3:01 pm. A roll-call of attendees showed that a quorum existed.

2. Public and Commissioner Comments.

There was no public comment. Ken Beaugrand asked if he could go out of order from Item 5, so that he could go to another meeting on his schedule. There was unanimous consent to re-order the agenda.

He reported positive news for the Polpis Cemetery land swap. A draft of the agreement for the swap has been written and will be shared with the commissioners presently. The appraiser has rendered an opinion of the values of the two parcels and finds them roughly equivalent. A surveyor will need to convert the values to areas and then devise the new cemetery boundaries. The next steps will be for the Commission to approve the draft agreement and then to present it to the Select Board for their approval. With that approval, the conveyance may be made and recorded. At that point, fences can be re-located to show the new boundaries.

Allen Reinhard, in thanking Ken Beaugrand, said that we are nearing the end of a five-year campaign to effect this swap. In a separate item, he mentioned that the DPW had assigned its new employee, Phyllis Ruguaru, to support the work of the Commission.

3. Approval of Minutes from September 8, 2021.

Scott McIver moved, Barbara White seconded, and the Commission unanimously approved the minutes from the meeting of September 8, 2021. The vote was by roll call.

4. Approval of Lot Sales Since Last Meeting.

Allen Reinhard noted that we have no new lot sales to approve at this meeting. He has, however, arranged to meet with two prospective purchasers in the near future and there may well be at least two sales to review at the next meeting.

He used this agenda item to review recent searches for graves and/or rights of burial in existing plots. They have been successful but also point out the need for a record-keeping system that captures lot sales and burials from the end of the Lewis Funeral Home records until the DPW began to keep complete records. He also said that it is his hope that all records can be inserted into a read-only digital file that can be accessed by the public. He met with Stephen Arceneaux, Interim DPW Director and Phyllis Ruguaru, DPW Office Manager, for two hours and subsequently with her for another hour to go over his hopes for systematic record-keeping. As a side note, Nancy Holmes, Town Clerk, said that she believed that there is commercial software for this very purpose. Allen Reinhard will work with the DPW staff to identify this software and its vendors.

In the case of Debbie Ledbetter, a Swain daughter, he said that she has been notified of the Commission's action to approve her family's use of the Swain lot in Polpis. Ellen Gerhard's lot in Old North has been identified and her family's use of it was also approved. Allen Reinhard has sent her a copy of the minutes (August 18, 2021) that records this action. He also noted that he had spoken with William Brenizer, who lives on the Polpis Road, who confirmed that the Swain plot was next to his family's on the hill in Polpis Cemetery. Allen Reinhard believes that we should send these two lot-holders a document that certifies their ownership; he believes that the DPW can modify one of the existing deed forms into a document that indicates that the Commission confirms the holders' right of lot ownership. He also wants this action to go into the cemetery records.

Both families, as well as Mr. Brenizer, are interested in the number of total burials that they may include in their plots. The regulations state that four inurnments may go into a regular 4-ft. by 6-ft. Polpis lot and, also, in a 4-ft. by 10-ft full-burial plot such as in Old North. The irregular 10-ft. by 10-ft plots in Polpis could, conceivably take twice the normal number, i.e., eight, 8.

[Action: confirm 8 burials for Debbie Ledbetter and William Brenizer at the next meeting of the Commission.]

5. Inurnment of "Whale-Oil Gus", Sunday, October 17, 1:30 pm at Prospect Hill Cemetery.

Allen Reinhard said that he was pleased to tell the Commission of the satisfactory resolution of the burial of Augustus E. Folger's (Whale-Oil Gus) cremains (see photograph of the container, attached). After extensive research by Commissioner Frances Karttunen, his parents' graves were found in Prospect Hill Cemetery. Their administrator, Jeff Morash met Allen Reinhard and Lee Saperstein at the grave site and confirmed that this was the correct location and that there was adequate room for the inurnment of Augustus E. Folger. He also offered to make all arrangements for the burial; Allen Reinhard subsequently filled out the necessary forms for the inurnment. Scott McIver reminded commissioners that Neil Paterson Inc. would donate an appropriate monument (draft text also attached).

Allen Reinhard reported also that the Town Clerk, Nancy Holmes, told him that there were eight, 8, more unclaimed cremains in the Town's vault. Three were un-named and five were named: Malcolm Burns, George Duprey, Henrietta Napter, Ernestine Rutter, and Kelvin Wittaker. In that the Commission has already decided to reserve two lots for the unclaimed, the eight will fit

in exactly at four to a lot. Scott McIver reminded the commission that Neil Paterson would contribute a marker for burials.

The ceremony on Sunday, October 17th, will include a musical interlude, a commitment prayer by Georgia Snell, a review of his career, and participation by members of the Town Clerk's office.

6. Polpis Cemetery, Latest Developments.

This item was covered by Ken Beaugrand in his presentation reported as Item 2. Public Comments.

7. Ledbetter/Swain Lot at Polpis: Form for Ownership and How Many Inurnments?

These issues were discussed as part of Item 4. Lot Sales.

8. Brenizer Lot at Polpis. How Many Additional Inurnments?

Also discussed as part of Item 4.

9. Consolidation of Adjacent Lots at Polpis. Policy Needed?

Allen Reinhard reminded the commissioners that they had approved the consolidation of two lots into one at Polpis for George Thom. Because there are as many as five lot holders in Polpis who hold two lots, he wondered if we needed a policy change for this consolidation. The consensus was that one was not needed and if there were another request, it could be handled as a waiver, just like the one from George Thom.

10. Cemetery Issues

Allen Reinhard reported that the Town Manager, Libby Gibson, had written him to deplore the "decrepit" state of fencing around some of the Town's cemeteries. In turn, he has spoken with Stephen Arceneaux about the Commission doing inspections of the Town cemeteries and creating a new list of needed maintenance items and connected work orders for each cemetery. Frances Karttunen noted that the Commission has been setting priorities since 2014. Allen Reinhard said that he would look at the old lists and suggest renewed priorities for each cemetery. Barbara White remembered that the former director of the DPW was going to tackle each cemetery in a yearly series, i.e., one per year. Attached to these minutes are earlier minutes containing suggested work plans for the individual cemeteries.

He reported also that Ray Sylvia, Town sign maker, told him that the directional signs for the Quaise Asylum Burial Ground were on his list of things to do. Allen reminded him that we needed those signs for the proposed dedication of the new monument at Quaise.

Frances Karttunen said how pleased she was with the white paint in the letters of the inscription for the Miacomet Indian Burial Ground. Scott McIver responded that he was pleased that one of his associates was able to get to it.

He also reported that the monument restoration project initial steps would occur later this month. The contract has been signed and Erika Mooney, Town Operations Administrator, has undertaken to be the Town's point of contact for the work. The first part will be to survey the cemeteries to locate monuments and boundaries, then to identify each monument that needs restoration along with the nature and severity of the restoration. Scott McIver said that the next step would be to determine how best to do the actual work of restoration: cemetery by cemetery or all monuments in need of similar severity restoration.

11. Old, New, and Other Business: Green Burials and Updating Cemetery Regulations.

Lee Saperstein said that last month's minutes contained a copy of the revised regulations; they are also attached to these minutes. He proposed that the revision be examined carefully and that next month we would vote on sending them to the Select Board to schedule a public hearing. He said, also, that we should discuss additional amendments to the regulations as proposed, to be voted upon as amendments to his motion.

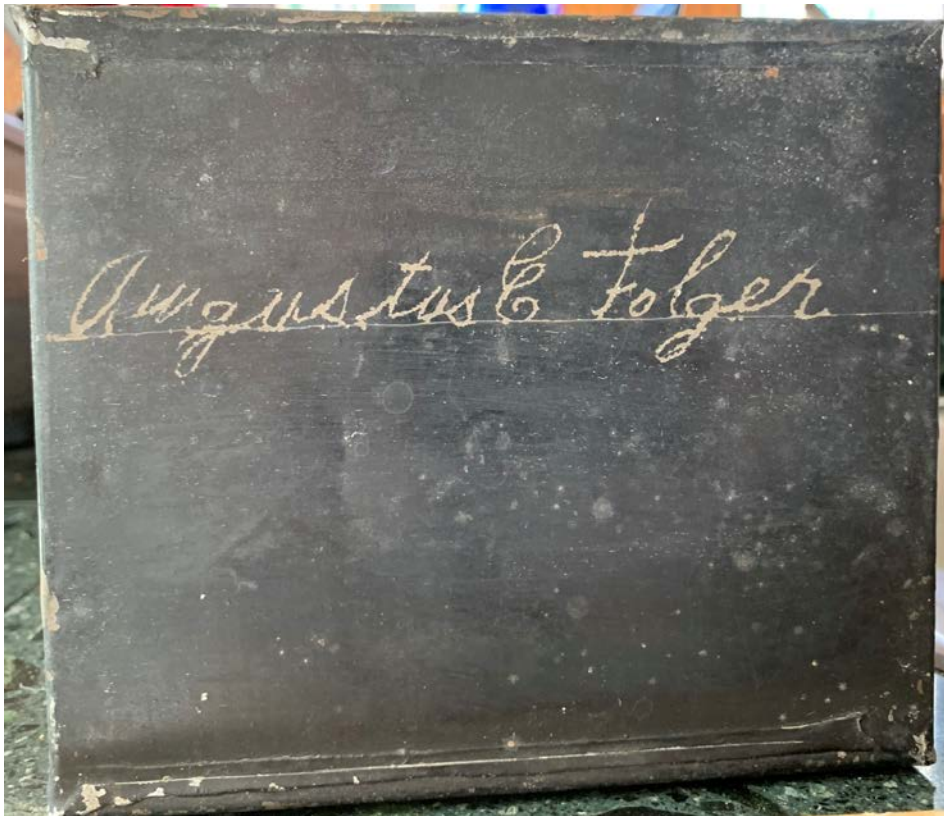
10. Adjournment came by consensus at 4:02 pm.

Next regular meeting: Wednesday, November 10, 2021, at 3:00 pm by Zoom Video Conferencing. If regular face-to-face meetings resume, a notice will be sent with the agenda for the September meeting. The Zoom link remains the same through the end of this year.

Respectfully submitted: _____; Date: _____
Lee W. Saperstein, Secretary

Nantucket Cemetery Projects List.

Cemetery monument condition survey.
Consolidation of lots at Newtown Cemetery with recordable ground survey.
Split rail fence at Polpis Cemetery.
Survey to lay out additional lots at Polpis.
Toe and lot corner markers for new Polpis lots when laid out.
Dedication of new monument at Quaise Asylum Burial Ground.
Fencing at the Historic Coloured Cemetery.
Fencing and brush removal at New and Old North Cemeteries.



Inscription at the bottom of the box containing August E. Folger's burial urn.

AUGUSTUS E. FOLGER

“WHALE OIL GUS”

1852~1939

Proposed monument inscription for Augustus E. Folger.

Earlier Minutes Detailing Maintenance Work Needed at Each Town Cemetery. Most but not all are minutes of meetings held at the individual cemeteries.

**Nantucket Cemetery Commission
Minutes of November 24, 2014**

A regular meeting of the Cemetery Commission was held on November 24, 2014 at the Old North Cemetery on New Lane and was called to order by Chair Allen Reinhard at 3:00 PM.

Commissioners Present: Allen Reinhard, Chair; Lee Saperstein, Barbara White and Robert Gardner

The Commission met at the Old North Cemetery for the purpose of assessing the maintenance and care issues of this Cemetery. The Commissioners walked the perimeter of the Cemetery as well as evaluated the condition of the stones and mowed portion of the Cemetery. The Commissioners identified the following maintenance needs. These are not in any order of priority.

- Signage improvements at Old North to include a new entrance sign and to remove the warning signs that refers to vandalism and the legal penalties.
- Repair of gravestones
- Removal of brush and small trees that have grown up around the gravestones.
- Establish the legal bounds of the cemetery
- Perimeter fencing repair and/or installation
- Improve pedestrian access to the Cemetery (installation of steps)

All Commissioners felt a review of each cemetery in this manner is very helpful and the next field trip is to the Quaker Cemetery on December 1, 2014 at 3:00 PM.

There being no further business the Commission adjourned at 4:10 PM.

Approved by Action of the Commission on December 10, 2014


Allen B. Reinhard, Chair



Nantucket Cemetery Commission
Minutes of December 1, 2014

A regular meeting of the Cemetery Commission was held on December 1, 2014 at the Quaker Cemetery and was called to order by Chair Allen Reinhard at 3:00 PM.

Commissioners Present: Allen Reinhard, Chair; Lee Saperstein, Scott McIver, Barbara White and Robert Gardner

The Commission met at the Quaker Cemetery for the purpose of assessing the maintenance and care issues of this Cemetery. The Commissioners walked the perimeter of the Cemetery as well as evaluated the condition of the stones and mowed portion of the Cemetery. The Commissioners identified the following maintenance needs. These are not in any order of priority.

- Repair of gravestones and bases
- Determining if the stones without an exposed base have a base
- Determine and establish the legal bounds of the Cemetery
- Perimeter fencing repair along Madaket Road and Quaker Lane.
- Signage improvements to include refreshing the history sign at the corner of Quaker Road and Madaket Road and removing the vandalism warning signs with the legal penalties.
- Utilize Ground Penetrating Radar to determine if there are existing pathways and if there are burials along the edge of the perimeter vegetations

The Commission also observed a drain line open to atmosphere at a low spot in southwest section of the Cemetery. The purpose of this drain and the installation of this drain merits further investigation. The Commissioners were in consensus that if there were no burials the existing vegetation around the perimeter of the Cemetery on the south and west sides of the Cemetery should be left as a buffer.

There being no further business the Commission adjourned at 4:15 PM.

Approved by Action of the Commission on December 10, 2014


Allen B. Reinhard

**Nantucket Cemetery Commission
Minutes of December 10, 2014**

A regular meeting of the Cemetery Commission was held on December 10, 2014 at the Nantucket Department of Public Works and was called to order by Chair Allen Reinhard at 3:00 PM.

Commissioners Present: Allen Reinhard, Chair; Lee Saperstein, Barbara White and Robert Gardner
Others present: Kara Buzanoski, Director of Public Works/Cemetery Administrator;

The Commission then addressed the following Agenda Items.

1. The minutes of November 12th, November 24th and December 1st were approved by unanimous action of the Commission
2. Chair Reinhard reported that he had spoken with Robin Kelley of the Harwich Cemetery Department about the use of ground penetrating radar to survey the cemeteries with an emphasis on Newtown Cemetery. Ms. Kelley informed the Chair that they would be willing to perform such a survey and that the optimal time for the survey would be when the ground is cold during January, February and March. The Chair reported that the unit can penetrate up to 20 feet below the surface. The cost to perform the survey would be \$1,200.00 per day plus expenses. After a period of discussion the Commission was in agreement that we should pursue having the survey done and the Chair will get back to Ms. Kelley.
3. Ms. Buzanoski reported that the toe markers had not been ordered but she would get them ordered.
4. The Commission reviewed their recent visit to the Quaker Cemetery with Ms. Buzanoski. Among items discussed were the trimming of the perimeter brush and vegetation, stone repair and improved signage. The Commission explained that the new signage should identify the cemetery as the Old Friends Burial Ground and not the Quaker Cemetery. Commissioner Saperstein brought to Ms. Buzanoski's attention a plastic drainage pipe that discharges in the low point of the Cemetery near Vestal Street. Ms. Buzanoski produced a drainage map that showed the pipe coming from a catch basin on Vestal Street. Ms. Buzanoski is quite certain that the pipe no longer discharges from the catch basin. The Commission also reviewed for Ms. Buzanoski the findings of their visit to Old North Cemetery. Those concerns are fencing, accessibility, stone repair and signage.
5. The Commission discussed the scheduling of the visits to the other cemeteries and decided that the next visit would be on December 20th at 9:00 AM at the New North Cemetery on New Lane. Cemeteries that are left to visit include; Polpis, Paupers (Quaise Asylum), Founders and the Miacomet Indian Cemetery.
6. The Chair informed the Commission that Mr. Douglas North Ellis had purchased a lot in Polpis Cemetery and asked for a motion to issue the license. Commissioner Saperstein moved to issue the license for a plot in the Polpis Cemetery to Mr. Douglas North Ellis. Seconded by Commissioner White and all were in favor.
7. The Commission discussed the recent proposal by the Board of Selectmen and the Nantucket Cottage Hospital to construct a new hospital on a portion of Mill Hill Park. The Chair reviewed the history of Mill Hill Park and the gifting restrictions when the Park was gifted to the Town by

Nantucket Cemetery Commission
Minutes of December 20, 2014

A regular meeting of the Cemetery Commission was held on December 20, 2014 at the New North Cemetery and was called to order by Chair Allen Reinhard at 9:00 AM.

Commissioners Present: Allen Reinhard, Chair; Lee Saperstein, Scott McIver, Barbara White and Robert Gardner

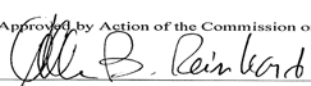
Others Present: Ms. Campbell Sutton

The Commission met at the New North Cemetery on New Lane for the purpose of assessing the maintenance and care issues of this Cemetery. The Commissioners walked the perimeter of the Cemetery as well as evaluated the condition of the stones and mowed portion of the Cemetery. Accompanying the Commissioners was Ms. Campbell Sutton who expressed her interest in the history of the Nantucket cemeteries. The Commissioners identified the following maintenance needs. These are not in any order of priority.

- Discussed the survey of the gravestones that need repair that was done by Commissioner McIver and were in consensus that it would serve as the guide for the repair program.
- Discussed the condition of the plots that had perimeter fencing using pipe sections as the fence rails. There was consensus that the rails should be removed as a number of them were bent and rusty or had fallen out. The initial work should consist of picking up and removing the piping laying on the ground. Additional work would include the removing of invasive shrubbery within the mowed portion of the cemetery.
- Determine and establish the legal bounds of the Cemetery
- Maintain a shrubbery border adjacent to Grove Lane instead of replacing the existing fence
- Signage improvements to include an appropriate sign and removing the vandalism warning signs
- Were in consensus that the shrubbery along the Franklin Street border should be removed and the existing fence extended the full length of the Franklin Street border. Also felt that the existing wooden steps leading up from Franklin Street should be rebuilt.
- Were in consensus that the entrance from New Lane should be stabilized to prevent erosion and sand washing out into New Lane. Commissioner Saperstein commented that we should consider the installation of a product like Echo-Stone that stabilizes without using asphalt. Commissioner Gardner has had experience with this type of product and will investigate the cost.
- Commissioner McIver commented on the condition of the various cast iron gates that are in place at several family plots. He felt that they could be cleaned in place and then painted to reduce further corrosion.

There being no further business the Commission adjourned at 10:15 AM.

Approved by Action of the Commission on January 14, 2015



Allen Reinhard, Chair

Nantucket Cemetery Commission
Minutes of January 19, 2015

A special meeting of the Cemetery Commission was held on January 19, 2015 at the Historic Coloured Cemetery and was called to order by Chair Allen Reinhard at 3:00 PM.

Commissioners Present: Allen Reinhard, Chair; Scott McIver, Barbara White and Robert Gardner

The Commission met at the Historic Coloured Cemetery for the purpose of assessing the maintenance and care issues of this Cemetery. The Commissioners walked the perimeter of the Cemetery as well as evaluated the condition of the stones and mowed portion of the Cemetery. The Commissioners identified the following maintenance needs. These are not in any order of priority.

- Repair of gravestones and bases
- Determine and establish the legal bounds of the Cemetery
- Remove brush from overgrown graves, especially along the perimeter
- Discussed engraving the name of the cemetery on the existing memorial Stone. As with the other cemeteries the Commission felt that the Warning Sign should be removed.
- Utilize Ground Penetrating Radar to determine if there are existing graves with attention given to the section closed to the Nantucket Cottage Hospital.
- Commission felt that a path should be mowed from the Land Bank Parking Lot to the Cemetery.
- Discussed the need for replacing the split rail fence on the West Side and whether to install additional fencing on the South Side.

There being no further business the Commission adjourned at 4:15 PM.

Approved by Action of the Commission on February 11, 2015

Allen Reinhard, Chair

**Nantucket Cemetery Commission
Minutes of May 18, 2015**

A special meeting of the Cemetery Commission was held on May 18, 2015 at 3:00 PM for the purpose of making site visits to the Quaise Asylum Cemetery and the Polpis Burial Ground.

Commissioners Present: Allen Reinhard, Chair; Barbara White, Lee Saperstein and Robert Gardner

Quaise Asylum Cemetery

The Commission walked to the Quaise Asylum Cemetery from Altar Rock Road and the Chair explained that it was the only cemetery that was on land not owned by the Town of Nantucket, but was owned by the Conservation Foundation. The Commissioners had the following observations:

1. The Cemetery has visible bounds and is relatively free of brush
2. The split rail fencing should be replaced but only with two sections at each corner
3. The remaining brush within the cemetery should be removed.
4. A stone with the names of those know to be interred there should be placed at the cemetery.
5. The Foundation mows a path from Altar Rock Road to the Cemetery

Polpis Burial Ground

The Commissioners made the following observations about the Polpis Burial Ground

1. Some of the bounds are visible but the remaining ones should be located and marked with a concrete or granite bound.
2. There was a general consensus that we should not at this time lay out lots from the height of land in the cemetery to the eastern property line. However, this area should be mowed with a brush cutter and the dead trees removed.
3. With the exception of the cedar tree in the southwest corner the other trees from the height of land to the western property line should be removed as well as the dead stumps.
4. The split rail fence was in reasonably good condition.
5. The parking situation is not good with the only parking between the bike path and Polpis which makes crossing Polpis Road to the cemetery a bit of a risk.

Approved by Action of the Commission


Robert L. Gardner, Secretary


Date



Rules and Regulations for Town of Nantucket Controlled Cemeteries

Adopted: April 23, 2014

Effective: May 1, 2014

In accordance with MGL Ch. 114 and Chapter 47 of the Acts of 2011, the Cemetery Commission has promulgated the following rules and regulations that govern burials in Town cemeteries, and the use and care of Town cemeteries. These rules and regulations may be amended from time to time, with the approval of the Board of Selectmen.

I. General Rules

Town Cemeteries are open daily from dawn to one-half hour after sunset.

The License Holder (owner of a lot) is limited to interring human remains or cremated human remains in that site. The owner also has a limited right to place a monument and plant flowers or shrubs. These limitations are outlined in other sections of these regulations.

Cemeteries are places for contemplation and quiet reflection. They are not recreation areas. Please respect these sacred grounds and use common sense: No loud noise, bad behavior or trash.

No person shall remove, cut, break or mark any tree or shrub; or mark upon, deface, or injure any monument or structure on the grounds.

Gravestone repairs require prior authorization of the Cemetery Commission or its designated agent. Rubbings are not permitted. Take photographs only.

Firearms shall not be discharged in the cemeteries, except for salutes at military funerals, Memorial Day, or Veterans Day.

Dogs must be leashed at all times and be under control of their handler. Dog walkers must clean up after their dogs and must ensure that dogs do not trespass on any grave.

All trash must be removed from Town cemeteries, as there are no trash receptacles available.

Additional Rules and Regulations Applicable to the Polpis Burial Ground

Polpis Cemetery is open to cremation interments only

Cremation lots are four feet (4') by six feet (6') and shall have no more than four (4) cremations in each lot.

Only one monument or marker per cremation lot will be allowed. A foundation must be placed under each monument. Only a professional who normally provides such a service in the community shall be permitted to place the foundation and monument, unless the Commissioners explicitly waive this requirement in writing. Markers may not be set to embrace two or more grave lots. All markers shall be flush with the ground. No wooden crosses shall be allowed.

Commented [LS1]: We have indicated that we are willing to waive this restriction. Please read the entire paragraph

The Town shall not be liable for damage to monuments or markers. Markers may be of granite, marble or bronze, the use of limestone, sandstone, cast or cement stone and metals for monuments shall not be allowed. Monuments may be made of native boulders.

Because Polpis Cemetery is a natural setting, no additional planting will be allowed on lots.

No other structure but approved markers or monuments may be placed on a lot.

No vehicles are allowed in the Polpis Cemetery.

No lights of any kind will be allowed.

II. Definitions

For the purpose of these Rules and Regulations, the following words shall have the following meaning, unless a different meaning is ascribed to such terms under the General Laws:

Cemetery – All property owned by the Town of Nantucket dedicated for the burial of deceased human remains.

Cemetery Administrator – The person charged by the Cemetery Commissioners with the day-to-day administration of Town Cemeteries in accordance with these Rules and Regulations, the directions of the Cemetery Commissioners, and applicable Federal and State laws.

Cenotaph – A monument erected in honor of persons buried at sea, or whose remains lie elsewhere.

Columbarium – A permanent structure, room or space in a mausoleum or other structure containing niches or other suitable spaces for the permanent placement of cremated human remains.

Cremated Remain - The final physical remains of a human being after having been cremated and processed.

Cremation Lot – An area of land specifically designed for the interment and placement of cremated remains only.

Cremation Niche – see Niche.

Crypt – A chamber in a mausoleum of sufficient size, generally used to contain the casketed remains of a deceased person.

Durable Outer Container (Grave Box, Grave Liner or Vault) - All burials, except for approved green burials, of bodies and cremated remains shall be placed in a durable outer container. Durable outer containers shall be made of reinforced concrete or fiberglass and may include:

Grave Box / Grave Liner – An unsealed monolithic receptacle of two (2) or more pieces in which the casket is placed at time of burial.

Vault – A two-piece sealed receptacle for protection of the casket.

Urn Vault - A two-piece receptacle for protection an urn.

Governing Body – The Nantucket Cemetery Commission.

Grave – A space in a cemetery used or intended for use, for the in-ground burial of one (1) or more deceased persons. The size of a grave may vary as laid out by the Cemetery Commission.

Green Burial – **The burial of human remains, full body or cremated, with the intention of their return to the soil through natural decay processes;** green burial necessitates the use of non-toxic and biodegradable materials, such as caskets, shrouds, and urns.

Foot Marker – A flush to the ground memorial made of granite or bronze, which is placed at the foot of a grave.

Interment – The permanent placement of a dead human body either in a green burial or placed in a casket within a durable outer container and buried in the ground.

Inurnment – The permanent placement of cremated human remains in a niche, space in a columbarium, or burial in a grave.

License Holder – The original purchaser of a Right of Burial and others entitled to a Rights of Burial.

Lot – A place designated in a cemetery comprised of one or more grave spaces.

Memorial or Monument –A monument or memorial usually made of granite, a flush-to-the ground memorial usually made of bronze or granite, or a foot marker, any of which is used for

commemorating the life of a deceased person.

Niche – A discrete chamber, space or recess in a columbarium used for the permanent placement of cremated human remains, encased in an urn.

Perpetual care - The activities of routine cemetery maintenance such as, but not necessarily limited to, mowing, brush cutting, repair of fences and laneways, and signage.

Perpetual Care Fund –A fund authorized by the General Laws, whereby funds are set aside, the income of which is used for the perpetual care and maintenance of the cemetery or lots therein.

Rights of Burial – The exclusive right of burial granted by the Town to a License Holder for the use of a specific grave, lot, crypt, or niche or other burial space in a cemetery.

Urn – A container to hold human cremated remains. An urn can be placed in a columbarium niche or buried in the ground within a durable outer container.

III. Interments and Inurnments

Lots in the cemeteries shall be used for no other purpose than a place for the interment of human remains as full casket burials, green burials, or inurnment of cremated remains.

No interment or inurnment shall be made until the Cemetery Administrator or designee has been furnished with a burial permit and/or cremation certificate as required by law, together with a written interment or inurnment order on a form approved by the Cemetery Commission and endorsed by the License Holder, or the legal representative of the License Holder in the lot in which interment is to be made. No grave shall be opened for interment, inurnment or removal unless authorized by the Cemetery Commission and cemetery personnel have flagged the area.

Green burial applications, on forms specific to green burials, will be reviewed by the Department of Health for minimal environmental impact before review and potential approval by the Cemetery Commission.

Except for green burials, all interments and inurnments shall be enclosed in a durable outer container or vault.

Each grave (minimum four feet (4') by ten feet (10')) includes the right of interment of either one (1) full casket or one green burial for regular depth burial and one cremation burial.

Each grave may have additional right (provided additional fees are paid) of:

- Replacement of the cremation burial with a second full casket interment as a “double-deep” burial;
- Replacement of the initial full casket burial and inurnment of up to four (4) cremated remains.

A cremation lot includes the right of inurnment of up to four (4) cremation burials.

Additional regulations will be drafted if a niche wall is constructed.

IV. Cemetery Lots

When a Right of Burial is purchased, the License Holder will be given a written deed, granting the License Holder Rights of Burial in a specific grave, lot, crypt, or niche or other burial space in a cemetery. The Deed may contain certain specific terms and conditions for use of the Rights of Burial, and grant the right of erecting a monument or memorial on such terms and conditions as the Cemetery Commissioners may prescribe. Such deeds and all subsequent deeds of such Rights of Burial made by owners thereof shall be recorded in the office of the Town Clerk in books kept for that purpose. Copies of lost deeds may be obtained by contacting the Nantucket Town Clerk or the Cemetery Commission. It shall be the duty of the License Holder and his/her heirs to notify the Commission of any changes in their mailing address. Notice sent to the License Holder at the last address on record shall be considered sufficient and proper legal notification.

Commented [LS2]: Shall we change this to the Cemetery Administrator in the Department of Public Works?

The Cemetery Commissioners shall establish the cost of a Burial Right and fees related thereto and may amend the same from time to time. Cemetery personnel shall furnish, to those who desire to purchase Rights of Burial information relative to the cost of the same and the conditions upon which interments or inurnments may be made. See: Nantucket Cemetery Commission Schedule of Fees.

- A License Holder, or his/her heirs, shall not sell, transfer or convey the Rights of Burial, but such Rights of Burial shall pass to family members as permitted under Chapter 114 of the General Laws. The Town of Nantucket shall have the option of buying back Rights of Burial, subject to availability of funding. The price to be paid by the Cemetery Commission shall be no greater than the original purchase price, provided that all remains, if any, have been removed from the lot.
- Should the Town not exercise its option to buy Rights of Burial, a License Holder may assign or transfer such Rights of Burial only as permitted by the Cemetery Commissioners, who may limit such assignment or transfer to individuals who are current residents of the Town of Nantucket, past residents or relatives of such individuals. A License Holder wishing to assign Rights of Burial should contact the Cemetery Administrator. An assignment form needs to be completed, notarized and submitted to the Cemetery Administrator in order to ensure accurate recording of all assignments.
- Upon the death of the License Holder, Rights to Burial shall pass in accordance with the laws of the Commonwealth of Massachusetts.
- An existing single grave (minimum four feet (4') by ten feet (10')) containing recorded remains may also accommodate one cremation burial, provided the cremated remains are that of a family member, heir or others with verified rights of interment.

- Graves for the interment of any indigent (by state definition) resident veterans are provided at no cost and are set aside for burials of indigent resident veterans residing in the Town at the time of their entry into service and/or at the time of their death verified by the Veterans Agent and subject to the approval of the Cemetery Commission.
- Single grave space may be made available for the burial of the stillborn or infants without charge to the resident parents residing in the Town at the time of death.
- Under MGL Ch. 14 the Town shall provide grave space for interment or inurnment of the indigent. Heirs may place monuments on indigent burials only if the interment rights are purchased and paid in full prior to placing a memorial. The Cemetery Commission will determine indigent status based on state regulations and definition.
- No work shall be performed on graves or lots by or on the direction of License Holders unless authorization has been obtained from the Cemetery Administrator, in order to preserve as much as possible the natural appearance of cemeteries.
- The Town shall not be responsible for the maintenance of any flowers, flags, decorations, holiday arrangements, or other objects placed on a lot, and shall have the right to remove the same if, in the opinion of the Cemetery Commission, they are unsightly. The Town of Nantucket shall not be liable for items left at a grave, or damage to flowers, flags, decorations, monuments or other objects due to weather, vandalism theft or wear and tear.
- Annual/perennial flowers may be planted at the base of and within 12 inches of a monument/marker, so as to not interfere with the Cemetery Commission's maintenance procedures.
- Fences, borders, curbing, hedges, shrubbery, trees, rampant-growing plantings and crushed stone are prohibited. No signs or lettered wooden boards of any kind are permitted on a gravesite, unless the Cemetery Commission has granted prior approval.
- Any materials placed on a grave that are not in compliance with these regulations are subject to removal without notice.
- The Town may take over the ownership of an unoccupied grave after a minimum of seventy-five years has elapsed after the issuance of a license for the grave by the Town and that the Town cannot locate the owner or the owner's successor in interest after a diligent search. If the ownership of the license is ascertained after such a taking occurs, then the Town shall pay the fair value of the license at the time of taking, to the owner.

Reuse of an occupied grave will not be permitted except: upon the request and with the consent of a relative or descendant of the decedent occupying the grave, providing that no other descendant objects; to provide for the burial of a relative or descendant of the decedent occupying the grave; and if the remains of the decedent occupying the grave will remain in the grave.

V. Memorials

The Cemetery Commission must approve any memorial, including gravestones, markers, benches or other structures, in writing prior to installation.

- All inscriptions to be made on memorials shall be approved by the Cemetery Commission prior to carving. The Commission reserves the right to prohibit offensive language or imagery within the cemetery.
- Monument dealers, masons, stonecutters and all workmen working at any Town cemetery shall comply with the directions of the Cemetery Commission and must carry off all rubbish and restore roads, avenues and paths damaged by their operations. The Town of Nantucket will not be responsible for any errors made by any improper inscription on any memorial.

Memorial sizes shall be based on the following except at Polpis Cemetery where only flush memorials are permitted:

- SINGLE LOT: 16 inches by 24 inches flush memorial or 24 inches wide slant in designated areas.
- CREMATION LOT: 12 inches by 18 inches flush memorial or 18 inches wide slant in designated areas. If two or more names are to be inscribed in the memorial, it may be 12 inches by 24 inches wide."
- MULTIPLE Grave LOTS
 - Two (2) grave lot: three foot (3') wide base etc.
 - Three (3) grave lot: four foot (4') long base or bench etc.
 - Four (4) grave (or more) lot: six foot (6') long base or bench etc.
- Where family lots have been established in inactive cemeteries (a list of such cemeteries is provided below), those families will be allowed to place memorials that duplicate the style of the existing surrounding markers or headstones or, alternatively, use flush markers.
- No headstones, monuments, curbing or other structure will be permitted to be erected in the cemeteries without a sufficient foundation. All markers, headstones, monuments and other structures shall be made of granite, marble, slate, or other approved material. All monuments are to be centered at the head of grave/lot. Flush foot markers may be placed at the center of the foot of a grave.
- A marble or granite bench will be allowed on a lot with three (3) or more graves. If a bench is placed on a lot, no other memorials are permitted other than foot markers on individual graves within the lot.
- Special permission for alternate memorial sizes may be requested of the Cemetery Commission for consideration.

- The Cemetery Administrator is required to have written notification prior to any foundation work/memorials placement, with all information outlined and submitted on a Cemetery Department Monument Permit Order. Prior to the initiation of any monument work, the lot must be marked/flagged by Cemetery Department personnel. Monuments are required to be set in such manner that they will not conflict with the alignment of neighboring monuments.
- Memorials and structures that are not in compliance with these regulations are subject to removal without notice.

VI. Administration

The Cemetery Administrator shall have responsibility for the proper day-to-day administration of Town Cemeteries in accordance with the administrative direction of the Town Manager and the policy direction of the Cemetery Commissioners, these rules and regulations and applicable Federal and State laws. The Town of Nantucket Home Rule Charter and MGL Ch. 114 and Chapter 47 of the Acts of 2011 established the Cemetery Commission and the appointment of members. Duties of the Cemetery Commissioners are prescribed under MGL Ch. 114.

There may be circumstances when the strict or literal enforcement of these Rules and Regulations may impose unreasonable hardship. The Cemetery Commission reserves the right to make exceptions, suspensions, or modifications to these Rules and Regulations, without notice, whenever necessary in the judgment of the Cemetery Commissioners.

VII. Cemeteries in the Town of Nantucket

Active Town Controlled Cemeteries (*Burial rights may be available*):

Newtown Cemetery	Sparks Avenue	Space available.
Polpis Burial Ground (Cemetery)	Polpis Road	Plots to be laid out; Cremains only; flush monuments only.

Inactive Town Controlled Cemeteries (*No burial rights available for sale*):

Cemetery	Location	Status
Founders Burial Ground	Off Cliff Road	Closed to new interments.
The Colored Cemetery	Mill Hill	No known space available.
Native American Burial Grounds	Surfside Road	Closed to new interments.
New North Cemetery	New Lane (east)	No new plots, owners only.
Old North Cemetery	New Lane (west)	No new plots, owners only.
Quaker Cemetery	Madaket Road	Closed to new interments?

Private Cemeteries not controlled or maintained by the Town of Nantucket:

As information only, the following cemeteries are known to exist within the corporate limits but the Town of Nantucket has no obligation or involvement therewith.

Saint Mary’s Cemetery	Private, plots available.
Sconset Chapel Columbarium	Private, inurnments only.
Saint Paul’s Memorial Garden	Private, ashes only.
Prospect Hill Cemetery	Private Board and regulations; plots available. Edward
Lewis Memorial Cemetery and the adjacent Jewish Cemetery on Somerset Rd	are private and administered by the Prospect Hill Board.

A Cemetery owned and currently maintained by the Nantucket Conservation Foundation:

Quaise Asylum Burial Ground	Polpis Road	Closed to new interments.
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VIII. Fees

The Cemetery Commission shall adopt a schedule of fees for the sale of Rights of Burial and other rights and services provided by the Cemetery Commission, which may be amended from time to time. All Rights of Burial must be paid for in full at the time of sale unless there are extenuating circumstances for which the Commissioners may offer a payment plan to the purchaser. No interments, inurnments or improvements shall be made to a lot, and no deeds shall be issued, until the Rights of Burial have been paid in full.

Nantucket Cemetery Commission

Schedule of Fees

Voted 03.12.14

Burial Rights

The following prices have been established by the Nantucket Cemetery Commission for the sale of Burial Rights in plots laid out in Town owned cemeteries.

Newtown Cemetery

Newtown Cemetery can accommodate both full casket burials and also offers Cremation Lots.

Single Lot (4' x 10')

\$1200.00

Each single lot (minimum 4 x 10 feet) includes the right of interment of one (1) full casket for regular depth burial and up to two cremation burials.

Double Deep Option - At time of lot purchase \$600.00 additional:

\$1800.00

This option will accommodate two full casket burials. The first burial will be at a depth of eight feet (8'). This option offers replacement of the second full casket with inurnment of up to four (4) cremated remains.

Cremation Lots (4' x 6')

\$900.00

Each Cremation lot will accommodate up to four (4) inurnments. Flush monuments only will be allowed on Cremation Only Lots.

Polpis Burial Ground

Only cremation burials are allowed at Polpis. Each lot includes the right of inurnment of up to four (4) cremated remains. Only flush monuments are allowed at Polpis.

Single Lot (4' x 6')

\$900.00

A cremation lot includes the right of inurnment of up to four (4) cremation burials.

Rules and Regulations adopted by the Nantucket Cemetery Commission and the Nantucket Board of Selectmen govern operation of Town owned cemeteries.

All plots include perpetual care. Plot cost does not include services to open and close graves or funeral services.