



Harwich Cemetery Commission

Rules and Regulations

of the

Harwich Cemeteries

2022

Mission Statement

The Harwich Cemetery Commission's Mission is to preserve Harwich Cemeteries as it pays homage to those who built our town and made it what it is today. We owe it to our pioneering ancestors that their monuments are not forgotten, and their contributions are remembered for future generations to come. The Cemetery Commission is hoping to educate the public on the historical importance of our cemeteries.

2/10/2022

PROPOSED NEW RULES TO APPROVED AT 2023 ANNUAL TOWN MEETING

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I. Administration (NEW SECTION)

Under the administrative direction of the Town Administrator and the policy direction of the Cemetery Commissioners, the Cemetery Administrator (or their duly designated representative) shall have overall responsibility for the proper administration of town cemeteries in accordance with these rules and regulations and applicable Federal and State laws. The Town of Harwich Home Rule Charter and Massachusetts General Law Chapter 114 establish the Cemetery Commission and the appointment of members. Duties of the Cemetery Commissioners are proscribed under MGL Ch. 114 S23 and the Town of Harwich Home Rule Charter, S 7-15-2.

Administrative Office

Cemetery Office is located at the Community Center, 100 Oak Street

Mailing Address: Town of Harwich
Cemetery Administrator
732 Main Street
Harwich Center, MA 02645

Contact Information: Office phone: 508-430-7549
FAX: (508) 430-7598
Email: rkelley@town.harwich.ma.us

Hours of Operation:
Monday-Friday 7:30-3:00
Outside of these hours please leave a message at the phone number above.

Holiday Schedule:
The office will be closed on the following holidays: New Year's Day, Presidents Day, Memorial Day, Labor Day, Columbus Day, Martin Luther King Day, Patriots Day, Independence Day, Veterans Day, Thanksgiving Day, and Christmas Day.

Current fees schedule is available at: <https://www.harwich-ma.gov/cemetery/pages/fee-schedule>

II. Cemetery Commission (NEW SECTION)

The Harwich Cemetery Commission is dedicated to and responsible for the care, maintenance, preservation, and improvement of over 98 acres of cemetery grounds, monuments, and the Marceline Arboretum. Our objective is to offer the people of Harwich and their families burial grounds and services consistent with the town's needs, the social and cultural needs of its residents, and our cemetery's beautiful and historic settings. We strive to preserve and maintain our cemeteries while simultaneously developing and improving new sites and offering new interment services in a financially responsible manner.

The Cemetery Commission consists of three members appointed by the Harwich Board of Selectman. The Commission's responsibilities shall include, but not be limited to, overseeing the Cemetery Administration and Cemetery Department with regards to the operation and maintenance of the cemeteries of the Town of Harwich in accordance with Massachusetts General Laws (MGL) Chapter 114 and the Town of Harwich Cemetery Rules and Regulations.

The Cemetery Commission will exercise reasonable care to protect the monuments, markers, and plantings on all burial sites. The Commission will not be responsible for any damage caused by routine maintenance or vandals/ trespassers in any cemetery or burial ground in the Town of Harwich.

Any personal injuries sustained by anyone violating the rules and regulations of the Cemetery Commission will not be the responsibility of the Commission or of the Town of Harwich.

Any damage to lots or grave markers caused by a private contractor working in the cemetery or burial ground shall be the sole responsibility of the contractor, the burial company, or the burial vault company which caused the damage. No responsibility will be attributed to the Commission or the Town of Harwich.

Any exceptions to the Rules and Regulations shall be determined by the Cemetery Administrator and Commission.

The Harwich Cemetery Commission generally meets at 9am on the first Tuesday of the month. Please consult the website for updates. The public is always welcome to attend. If you wish to address the Commission during our meetings, please contact the Cemetery Administrator in advance.

III. Harwich Cemeteries

- A. **Active Cemeteries** (Burial lots available)
Evergreen Cemetery, 1403 Orleans Road and 40 Cemetery Road, East Harwich
Island Pond Cemetery, 15 Island Pond Road, Harwich Center
Mount Pleasant Cemetery, 95 South Street, Harwich Port
Kelley Cemetery, 18 Old Brewster Road, North Harwich
South Harwich Cemetery, 270 Chatham Road, South Harwich
Pine Grove Cemetery, 32 Pine Grove Road, West Harwich
North Harwich Cemetery, 610 Depot Street & Main Street Ext., North Harwich
- B. **Inactive Cemeteries** (Burial lots unavailable)
Bank Street Burial Ground, Bank Street, near Long Road, Harwich
Baptist Church Cemetery, Depot Street & 62 Route 28, West Harwich
Herring River Cemetery, West Harwich
Hawks Nest Cemetery, Nathan Walker Road, East Harwich
Lothrop Cemetery, Off Lothrop Ave, West Harwich
Union Cemetery, AKA Methodist Church Cemetery, 1 Church Street, East Harwich
Old Methodist Cemetery, AKA Eldredge Cemetery Queen Anne Rd., East Harwich
Old Smith Cemetery, Bells Neck Road, West Harwich
Ryder Cemetery, Route 39 near water tower, Harwich

IV. Harwich Cemetery Commission Rules and Regulations

All visitors are requested to keep in mind that the cemeteries are consecrated to the memories of those who are buried within. Dignified behavior is expected and will be required at all times. In the many years of cemetery operation, it has been shown that it is necessary to adopt and enforce regulations to govern the conduct of visitors, to ensure respect for the dead, protect the grounds, and assure the safety of visitors.

A. Visitation Rules

1. The cemetery grounds are not a playground or recreational area. Loud, boisterous, or undignified behavior will not be tolerated. These rules and regulations have been adopted to advance and secure these public interests.
2. Town cemeteries are open daily from dawn to dusk.
3. The speed limit for all vehicles shall be ten miles per hour. Use of any cemetery driveway or cart path as a thoroughfare shall be prohibited. Parking is limited to designated areas and roadways only.
4. Recreational sports or similar activity to include bicycling, horseback riding, motorcycling, or skateboarding, are prohibited. Skateboards, roller blades, or bicycling for the purpose of respectful visitation is allowed (See #1 above). Unregistered vehicles are not allowed at any time.
5. Consumption of alcohol or drugs are prohibited. Anyone disturbing the peace and quiet in any way will be removed from the property.
6. Monuments, gravestones, or other structures within the cemeteries shall not be defaced in any way.
7. Gravestone repairs, cleaning or rubbings require prior authorization of the Cemetery Commission. Pressure washing gravestones is expressly prohibited. Any damage incurred will be at the expense of the parties involved.
8. Hunting is prohibited at all times. Firearms shall not be discharged in the cemeteries, except for salutes at military funerals, Memorial Day, or Veterans Day ceremonies.
9. Domestic animals of any type shall not be permitted in the cemeteries, except certified animals assisting persons with disabilities.
10. No household trash shall be disposed of in the trash barrels.
11. Picking of blossoms, flowers or foliage is prohibited.

B. Cemetery Regulations

1. Interments

a. Burial lots in the cemeteries shall be used for no other purpose than a place for the interment of human dead burials including cremation remains.

b. The Cemetery Administrator shall furnish to those who desire to purchase rights of burial in lots or graves, information relative to the cost of the same and the conditions upon which interments may be made.

c. The owners of rights of burial, or their heirs, shall not sell the said exclusive right of burial other than to the Town of Harwich, as provided for under MGL Ch.114. Compensation will be no greater than the original purchase price.

d. No interment 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 order/interment form from the legal owner or the legal representative of the right of burial in the lot in which interment is to be made. No grave shall be opened for interment or removal unless authorized by the Cemetery Commission and the area has been flagged by the Cemetery Administrator or designated representative.

e. Generational Succession of Burial Lots

1. Assignment of right of burial shall be arranged by first contacting the Cemetery Administrator. An Heirs of Record Form needs to be completed, notarized, and submitted to the Cemetery Administrator in order to ensure accurate recording of all assignments.

2. The laws of the Commonwealth of Massachusetts govern the descent of title to cemetery lots as well as other matters pertaining to assignments, conveyances, advises, trust deeds and inalienability. In accordance with MGL Ch. 114 Section 31: "If in a will no express disposition or other mention is made of a cemetery lot owned by the testator at his decease, and wherein he or any member of his family is buried, the ownership of the lot shall not pass from his lawful heirs by any residuary or other general clause of the will, but shall descend to his heirs as if he had died intestate." If no express disposition has been made, the rights of burial shall be limited to three generations of the lot owner.

3. Upon the death of the title owner, a lot passes to heirs-at-law (MGL.Ch.114, s.29) unless specifically devised by will or trust (subject to Ch. 190, sec.3). When the lot is not specifically mentioned in the will, a “Record of Heirs” form must be filed at the cemetery office and signed by one of the heirs at law, and in the case of minors, by their guardian. This affidavit must include a list of names of all heirs and a majority must also designate one of their number as the representative, who shall be authorized to sign orders for interments in the lot and to give all other needful directions regarding the lot. If no such affidavit shall be filed, the Cemetery Commission may designate one of the heirs at law so to act until such time as the aforementioned affidavit shall have been filed.

4. Therefore it is the sole responsibility of the owner/heirs, or any other lawful person to provide documentation to show control of burial rights and to designate burial authorization. To ensure the correctness of our records, no burial rights can be transferred except by filing with the Cemetery Administrator a copy of the will and probate, or in the case of intestacy, or where the burial right has been listed in the will, the Commission will recognize as owner those persons listed as receiving the residue of the estate, or that part designated in a signed agreement, executed by the immediate heirs. It is recommended that license holders bequeath burial rights to avoid confusion.

f. The Town of Harwich Cemetery Commission reserves the right to correct any errors made in the description, transfer or conveyance of any interment rights or property, either by canceling such conveyance and substituting and conveying in lieu thereof interment property or burial rights of equal value and similar location may be selected by Cemetery Commission.

2. Cemetery Lots

a. Lot Usage

1. In standard lots (minimum of 4' x 8') you may have one full burial plus one cremation. Four cremations are permitted if there is no full burial present.
2. In cremation lots (4' x 3') may have a total of two cremations.

b. Lot Sizes

1. Lots in older sections in existing cemeteries (minimum of 4' x 8') Pine Grove, Mount Pleasant, Island Pond, Kelley, South Harwich, North Harwich & Evergreen Cemeteries
2. New sections of Evergreen and Island Pond Cemeteries 4' x 9'
3. Cremation lot size: Evergreen and Island Pond Cemeteries 4' x 3'
4. Mausoleum lot size at the discretion of the Cemetery Commission

c. A full burial lot (minimum 4'x8') containing recorded remains, may also, accommodate one cremation burial, provided the cremation remains be that of an heir-at-law or family member of the prior interred remains and be so certified and approved by the Commission.

d. Indigent Veterans who were Harwich residents at the time of their entry into military service or at the time of their death shall be provided a single grave space at no cost pending verification of service from the Veterans Agent and approval of the Cemetery Commission.

e. A single grave space shall be provided at no cost to an indigent Harwich resident upon approval of the Cemetery Commission.

f. Flowers and plantings are the responsibility of the lot owner to maintain and remove. The following additional guidance shall apply to all cemeteries:

1. The planting of invasive or rampant-growing species is prohibited.
2. A flowerbed consisting of low growing annuals and/or perennials (please see the list of approved plantings available on the town website or through our administration office) must not exceed one foot from the front of the base of the approved monument and no wider than the base of the monument with a two-inch border of mulch or loam so as not to interfere with mowing.

3. Mulch and loam are the only items to be used in the flowerbeds. Stones, marble chips, fences, or other materials are not permitted.

4. No plantings are permitted on the back side of a monument

5. A total of two small (dwarf variety preferred) bushes will be permitted at the discretion of the Administrator or Commission on four grave lots or larger. Please see the Administrator for a list of approved bushes/shrubs.

6. Funeral flowers will be removed after two weeks or when they become unsightly. Temporary displays that commemorate birthdays, anniversaries, etc., will be removed after 30 days by the cemetery department.

7. Plants and flowers planted within the prescribed flowerbeds are the responsibility of the owners of the lot. Flowerbeds must be kept neat and well maintained. The cemetery commission or designee reserves the right to remove any plantings that exceed the confines specified above, become overgrown or unsightly.

8. Any major changes such as excessive pruning or removal of shrubs or trees made by lot owners, or by their order, must have prior authorization of the Cemetery Administration. Debris must be removed by persons performing such maintenance to preserve as much as possible the natural appearance of cemeteries. (See Lot Maintenance Form).

9. No objects, including but not limited to, statues, balloons, sports equipment, artificial or silk flowers, stuffed animals, dolls, eternal flames, candles, windchimes, solar lanterns or hanging plants are permitted.

10. The Town of Harwich is not liable for any items left on a grave not limited to damage or loss of flowers, plantings, or memorials for any reason.

g. For the safety of our workers and visitors and in order to create a uniform appearance the Cemetery Commission is prohibiting the following items: crushed stone, metal stands, rods, hooks, and cans, glass and ceramics, lighting of any kind, fences, borders, curbing, mylar balloons, wind chimes, or any alcoholic beverages. No signs, lettered wooden boards, statues of animals (or the like), or toys and paraphernalia are permitted.

h. Masons, stonecutters and all workmen shall notify the Cemetery Administrator of all work to be done in the cemeteries. They must remove any debris or rubbish, restore any damage done to the lot or the road by their work. The Town of Harwich will not be responsible for any errors made by any improper inscription on any memorial.

3. Markers, Headstones, Monuments

a. Previously Established Cemetery Sections

Single Lot: May contain one headstone, not to exceed 30" width (left to right) x 16" (front to back) and one flat flush marker 2' x 1'. In lieu of the single headstone, a maximum of two flat flush markers, 2' x 1', are permitted.

Multiple Lots: May contain one marker not to exceed 50% of the width of the lots measured at base or foundation with a base depth of 18" maximum and height of 48" plus one flat flush marker, 2' x 1', per grave lot.

Cremation Lot: A 4' x 3' cremation lot may contain a maximum of two flush markers measuring 2' x 1' per marker or one marker not to exceed 2' x 2'.

b. In existing cemeteries where family lots have been established, those families will be allowed to add memorials to duplicate the existing markers or headstones.

c. No markers, headstones, monuments, corner markers, bench, or other approved 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 materials. All monuments are to be centered at the head of lot or centered at the mid-line.

d. A single marble or granite bench will be allowed on a lot as the *only* permanent, central, inscribed, memorial. Therefore, both a monument and a bench are not permitted except on a four grave or larger lot.

e. 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.

f. Monuments and other structures that are not in compliance are subject to removal without notice.

g. Mausoleums will be handled on a case-by-case basis at the discretion of the Cemetery Commission.

(continued)

h. Newly Designated Cremation Sections

Headstones are not permitted in these specially designated sections.

In a 4' x 8' cremation lot up to four cremation interments and up to four flat flash markers 2' x 1' in size are permitted.

A 4' x 3' cremation lot may contain a maximum of two cremains and two flat flush markers measuring 2' x 1' per marker or one marker not to exceed 2' x 2'.

V. Definitions (NEW SECTION)

Burial Urn - the burial of an urn with cremated remains in it.

Cenotaph - a grave where the body is not present; a memorial erected as over a grave, but at a place where the body has not been interred. A cenotaph may look exactly like any other grave in terms of marker and inscription. Cenotaphs often commemorate the deaths of those lost at sea, in war, or by some other means where recovery or transportation of a body would be difficult.

Coffin - a box for holding a body at burial, made of wood, metal or concrete

Columbarium - a building for the housing of cremated remains. comp. mausoleum.

Coped stone - any stone with a coping, especially one with a peaked (roof-shaped) top. Coped stones were common in the British cemetery tradition from the eighteenth through the early twentieth centuries.

Cremation - the burning of human remains before their disposal. In the United States, some cremated remains are placed in cemeteries or columbaria, while others are strewn over the ocean or retained in survivors' homes.

Crypt - An enclosure for a casket in a mausoleum or underground chamber, as beneath a church.

dressed - referring to stone whose surface has been completely smoothed or otherwise finished.

Emerging stone - a type of gravestone where one portion of the stone has been fully carved, while another portion remains undressed or only partially dressed, giving the impression of a stone that has been incompletely carved. The emerging stone was most common in the late nineteenth and early twentieth centuries and symbolized a life partially completed but cut short. emerging stones are nearly always of granite.

Epitaph - a brief saying or literary note, inscribed in a grave marker. The name, places and dates of birth and death, and other such biographical information that may be part of the inscription are not considered part of the epitaph.

Exhumation - the removal of a body from a grave.

Family stone - a gravestone that marks the entire family's plot, not a particular individual's grave. In the United States, such stones are most common in the European traditions. Sometimes a family stone also will have the names and dates of the individuals of the family carved on it, but there usually will be separate stones for the individuals.

Flat Flush Marker (FFM)- A rectangular grave marker set at a right angle to the ground, having inscriptions, raised lettering or carved decoration predominantly on vertical planes, and top surface finished in straight, pedimented, round, oval, or serpentine fashion.

Footing - a slab, usually of concrete, that is horizontal and flush with the surface of the ground, on which a grave marker is placed. The footing itself usually is unornamented and considered structural, not a part of the marker itself.

Grave - the individual feature where a body (rarely more than one body) is buried in a single pit or its equivalent, including any marker or monument associated with it.

grave, mass - a grave where many people are buried together. In most historic societies, mass graves have been expedients for emergencies when death was massive and rapid, as during an epidemic, war, or disaster.

Grave, multiple - a grave where two or more bodies are buried together. A multiple grave may be a mass grave or simply a grave where members of a family or other social groups are placed upon death. Multiple graves are rather uncommon in recent historic societies.

Grave depression - a hollow in the surface of the ground over a grave, brought about by the collapse of a disintegrating coffin. syn. grave, sunken.

Grave marker - any above-ground device or monument to mark a grave. e.g. gravestone; grave rail.

Graveyard - An area set aside for burial of the dead; a common burying ground of a church or community.

Headstone - a flat, slab-like stone grave marker placed at the head end of a grave.

Headstones may be used alone or in conjunction with footstones. see footstone.

Inscription - writing on a grave marker. By convention, this term is used regardless the technique used to render the writing (e.g., carving, painting, etc.). The inscription usually includes biographical information and the epitaph, if any. -inscription, relict the traces of an inscription, otherwise destroyed, that may reveal that inscription.

Ledger stone - a grave marker that is placed horizontally, flush with the surface of the earth. This style marker has become increasingly popular with cemetery maintenance workers because of the ease of mowing grass around and over them.

Lot - an area of a cemetery owned or controlled by an individual or family.

Lot Sizes-See Cemetery Lots page 9

Mausoleum - a building for the housing of bodies in separate drawer,- or compartments. A mausoleum differs from 1 tomb in that it is owned communally by the cemetery and patrons purchase rights to a section of it, while a tomb is built, owned, and used exclusively by a single family or similar group.

Memorial - a grave marker, usually in ornate one

Memorial park - A cemetery of the 20th century cared for in perpetuity by a business or nonprofit corporation; generally characterized by open expanses of greenward with either flush or other regulated grave markers; in the last half of the 19th century, those with flush markers were called "lawn" cemeteries.

Monolith - A large, vertical stone grave marker having no base or cap.

Monument - a grave marker, usually one with some fanciness and size.

National cemetery - One of 130 burial grounds established by the Congress of the United States since 1862 for interment of armed forces servicemen and women whose last service ended honorably. Presently, the Department of Veterans Affairs maintains 114, the National Park Service (Department of the Interior) administers 14, and the Department of the Army has responsibility for two.

Niche - in general, any recess in the surface of something; a compartment in a columbarium or other area for the placement of cremation remains.

Obelisk - a gravestone that is tall, slender, square in cross-section, and pointed at the top. Obelisks usually are quite large and imposing, indicating the wealth and stature of the deceased.

openwork - carving that cut entirely through a stone, creating arches, loops, and openings.

Pillar - a grave marker consisting of a tall, slender, ornate gravestone with a circular cross-section. Pillars give the appearance of being turned on a lathe and actually derive from the British tradition of Georgian furniture.

Plot - an area of a cemetery given over to an individual, family, or other social group. The term is more inclusive than "lot," since a lot can occur only in a cemetery with some institutional organization that assigns areas; in contrast, a plot can develop through usage in a customary cemetery

Rubbing - means of obtaining a copy of the bas-relief carving on a gravestone or similar object. Rubbings are made by placing rice paper over tile surface of tile marker, then rubbing gently oil the paper with a soft pencil, a crayon, or a similar writing material. Rubbings are quite accurate in their copying of a design, but some cemeteries have had to forbid the making of rubbings, because the activity is slowly wearing away the surface of the stories.

Sculpture - any carving or other rendering of stone where all three dimensions (including depth) are used.

Slab - any grave marker that is essentially a thin, flat piece. Slabs can be of any material but usually are of stone, concrete, or wood.

Slope - on a gravestone with a convex upper surface, either of the upper surfaces that curve or angle downward from the stories' highest point.

Tomb - a building-like burial receptacle, anywhere a body or bodies are stored above ground in drawers. A tomb may be grand, but it houses the remains of only a few people, usually family members.

Undressed - referring to a stone marker that has not had its surface completely smoothed or otherwise finished.

Upright stone - a grave marker that is placed upright, above the surface of the ground
vault - a tomb; a modern concrete shell placed over a coffin to prevent sinking of the ground surface in a cemetery

Wedgestone - a style of grave marker, usually of stone but occasionally of concrete. A wedge stone, not surprisingly, is essentially wedge-shaped, so that the bottom surface lies flat on the ground, the back surface runs more or less vertically, and the top surface (with the inscription) slope-, from the top of the stone at its back to ground level at its front.

VI. Frequently Asked Questions: (NEW SECTION)

Who can buy a burial lot in the Town of Harwich?

Anyone may purchase a burial lot in the Town of Harwich Cemeteries. There are separate fees set for residents and nonresidents.

How many burials are allowed per grave?

Please see "Interments" page 7

What size monuments are allowed?

Please see Markers, Headstones, Monuments page 9

What is allowed on a grave lot?

Please see Markers, Headstones, Monuments page 9

Are plantings permitted on a cemetery lot?

Yes, plants may be planted in front of the monument only. See item f. in Rules and Regulations, page 9.

What plantings are recommended?

Plants need to be approved by the Cemetery Commission. Please contact our Administration Office for a list of recommended plantings on the town website.

Can you donate a memorial tree to the cemetery?

Yes, trees can be donated in memory but must be approved by the Cemetery Commission.

Does the town put American flags on veteran graves on Memorial Day?

Yes, the Town of Harwich provides both a flag holder and flag for every Veteran buried in the town cemeteries.