

STONEHEDGE
AND
LOVELL LAKE
CEMETERY REGULATIONS

Town OF
Wakefield, NEW HAMPSHIRE

Adopted: Dec 14, 2010

Updated : July, 2016

For further information regarding these Regulations, the purchase or use of burial sites, or for other related burial or cemetery issues please contact:

**Wakefield Board of Cemetery Trustees
Wakefield Town Hall
2 High St., Sanbornville, NH
603-522-6205**

OTHER RESOURCES

NH Board of Registration
Funeral Directors and Embalmers
6 Hazen Drive
Concord, NH 03301
(603) 271-4648; (603) 271-3447(F)
<http://www.nh.gov/funeral/>

Federal Trade Commission
600 Pennsylvania Avenue, N.W., Washington, D.C. 20580;
1-877-382-4357,
“Funerals – A Consumer Guide” at
<http://www.ftc.gov/bcp/online/pubs/services/funeral.pdf>

US Department of Defense
Military Funeral Honors
<http://www.militaryfuneralhonors.osd.mil/>

NH Funeral Directors’ Association
P.O. Box 386
Pittsfield, NH 03263
<http://www.nhfda.org/>

INDEX

- SECTION 1.** Purpose and Intent Page 1
- SECTION 2.** Authority Page 1
- SECTION 3.** Definitions Page 1
- SECTION 4.** General Regulations Page 2
- SECTION 5.** Limits of Municipal Liability Page 3
- SECTION 6.** Prohibitions Page 3
- SECTION 7.** Lot Sales Page 4
- SECTION 8.** Lot/Right to Inter Ownership Page 6
- SECTION 9.** Lot/Right to Inter Resale/Relinquishment Page 7
- SECTION 10.** Care Funds Page 7
- SECTION 11.** Interments/Disinterment's Page 7
- SECTION 12.** Cremations Page 9
- SECTION 13.** Minimum Standards Page 9
- SECTION 14.** Plants, Shrubs, Flowers, Decorations Page 10
- SECTION 15.** Correction of Errors Page 11
- SECTION 16.** Enforcement Page 11
- SECTION 17.** Waiver Page 11

The following documents are available on request:

- Application for Right to Inter**
- Certificate of Right to Inter**
- Interment Order**
- Interment Process**

CEMETERY REGULATIONS TOWN OF Wakefield, NEW HAMPSHIRE

Adopted: December 14, 2010

Regulations governing the Stonehedge & Lovell Lake Cemetery of Wakefield, New Hampshire

SECTION 1. PURPOSE AND INTENT

The following regulations are hereby established for the mutual protection of Plot owners and the cemetery as a whole. Plot owners and persons visiting and contracted to work within the cemetery will be expected to abide by such regulations as herein enacted and as hereafter amended, which are intended to assist in maintaining this cemetery as a peaceful, dignified, safe and beautiful area as well as a reverent symbol of respect for the dead and a valuable link to the heritage of the community.

SECTION 2. AUTHORITY

These Regulations are established by the Cemetery Trustees in accordance with RSA 289:2, as amended, and may from time to time be amended for the operation and maintenance of the cemetery and burial sites owned and/or maintained by the Town of Wakefield, and shall also apply to all plots declared abandoned by the Board of Selectmen under RSA 289:19-21.

SECTION 3. DEFINITIONS

CEMETERY STAFF – Member of the Cemetery Board of Trustees, Sexton, employee or subcontractor of the Town of Wakefield, under the direction of the Cemetery Trustees.

CERTIFICATE OF RIGHT TO INTER – Certificate issued by the Cemetery Trustees transferring a limited right to inter remains in a specific plot to a purchaser for a fee.

GENERAL CARE - Funds placed on deposit with the Wakefield Trustees of Trust Funds, the income from which can be spent for reasonable and practical care including raking, mowing and seeding of the entire cemetery including all plots, unsold areas of the cemetery, and such areas as lawn, roads, and shrubs and trees which have been established by the cemetery. In no case shall it mean the maintenance, repair, or replacement of any memorial erected or placed upon a plot, nor the performing of any special or unusual work in the cemetery.

INTERMENT – The permanent disposition of the remains of a deceased person by cremation and interment, entombment or burial.

CREMAINS – Remains after cremation.

INTER – Bury in a grave.

INTERMENT PROPERTY - Grave, plot, cremation space, plot or right to inter.

PLOT OWNER – Person who holds a valid right to inter.

ORDINANCE – Town of Wakefield, New Hampshire Cemetery Regulations as amended.

PERPETUAL CARE – Funds placed on deposit with the Wakefield Trustees of Trust Funds, the income from which can be spent for reasonable and practical care including raking and mowing of the specified plot(s). In no case shall it mean the maintenance, repair, or replacement of any memorial erected or placed upon a plot, nor the performing of any special or unusual work on the specified plot(s) or in the cemetery.

REGULATIONS – Town of Wakefield, New Hampshire Cemetery Regulations, as amended.

RIGHT TO INTER – Exclusive right to a plot for the purposes allowed by these Regulations.

TRUSTEE – Cemetery Trustee of the Town of Wakefield, New Hampshire or his or her designee.

SECTION 4. GENERAL REGULATIONS

A. Administration

All business pertaining to the cemetery shall be processed through the Cemetery Trustees, Town of Wakefield, 2 High St. Sanbornville, NH. 03872. Direct contact can be made to the Cemetery Trustees as listed in the Town records or through the regular business hours of the Board of Selectmen’s Office.

B. Cemetery Hours

The cemetery shall normally be open to the public seven days a week during daylight hours.

No person or persons, not an employee or Trustee of this cemetery shall enter the cemetery after sundown for any purpose. The cemetery is not maintained for public access during winter months; December, January, February and March.

C. Pedestrians

Persons within the cemetery shall use roads and walks where available and no person shall walk upon or across plots or lawns unless it is necessary to gain access to a particular plot.

D. Vehicles

Vehicles are prohibited within the boundaries of the cemetery except for approved cemetery business or visiting graves. Where allowed the following regulations apply:

1. Maximum speed limit is 10 miles per hour.
2. No vehicle, except maintenance or other commercial vehicles involved in gravesite preparation or restoration shall be driven or parked on any part of the cemetery except upon roads.
3. No person or persons shall park, or permit to be parked, a motor vehicle owned or controlled by them in the cemetery after sundown. Parking or leaving any car or vehicle is prohibited and a violation of this rule will be cause for the removal of such vehicle by the Trustees at the owner’s expense.

E. Personal Conduct

All persons within the cemetery shall conduct themselves in a manner in keeping with a hallowed place. Inappropriate behavior will not be tolerated and persons violating reasonable standards of behavior will be subject to removal from the grounds in the absolute discretion of the Trustees.

F. Loss or Damage

Any Plot owner, funeral director, next of kin, dealer, contractor, or any other person who causes damage to any plot, walkway, drive, tree, shrub or other property shall be required to repair the damage at his/her expense.

G. Sole Agreement

These regulations, including amendments thereto, constitute the sole agreement between the Cemetery Trustees, Town of Wakefield, and the Plot owners. The statement of any employee or agent, unless confirmed in writing by an authorized representative of the cemetery of the Town of Wakefield shall in no way bind the cemetery or the Town of Wakefield.

SECTION 5. LIMITS OF MUNICIPAL LIABILITY

The Trustees shall take reasonable precautions to protect Plot owners within the cemetery from loss or damage; but distinctly disclaim all responsibility for loss or damage from causes beyond their reasonable control, and, especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

SECTION 6. PROHIBITIONS

A. Persons within the cemetery are strictly prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub, or plant, or from writing upon, defacing, or injuring any memorial, fence, gate, or other structure within the grounds of the cemetery.

B. Children under the age of 16 are not to be on cemetery grounds unless accompanied by an adult.

C. No agricultural animals shall be permitted in the cemetery. Domestic pets are allowed in the cemetery provided they are on a leash, stay on roads, walks and alleys and persons responsible for the pet clean up after the pet.

D. Visitors are prohibited from bringing explosives of any kind, or any offensive weapon such as bows and arrows, air rifles, or slingshots into the cemetery. Discharging of any weapons, except for military Honor Guards, or the hurling of rocks or pellets is strictly prohibited.

- E.** All hunting within the cemetery is prohibited.
- F.** No person shall be noisy or disorderly within the limits of the cemetery.
- G.** Skate boards, roller blades, manual scooters and all other self-propelled devices (except as required to aid physically impaired persons) are prohibited.
- H.** The disposal of trash, flowers, containers or any other debris is prohibited within or adjacent to the cemetery.
- I.** No alcoholic beverages to be consumed on cemetery grounds.
- J.** Gravestone rubbing is prohibited.

SECTION 7. PLOT SALES

Upon adoption of these Regulations, the sale and purchase of cemetery plots shall be by a Right to Inter only. Title to the real estate remains with the Town. No easement or right of interment is granted to any plot owner in any road, drive, or path within the cemetery, but such road, drive or path may be used as a means of access to the cemetery as long as it shall be devoted to such purpose.

- A.** Persons desiring to purchase burial rights should contact the Trustees who will aid them in making a selection. Regulations relating to such graves will be explained and a copy of the regulations will be given to each purchaser, who will acknowledge receipt in writing. Payment will also be explained and arrangements made for such.
- B.** At the time of sale, the purchaser shall submit to the Trustees a written list of names of those authorized to be interred within the plot. If the purchaser makes no designation then by default those authorized to be interred within the plot include the plot owner, the plot owner's mate at the time of the plot owner's death, and the plot owner's children, subject to the capacity of the plot, requirements of State Statutes and these Regulations. Only the current owner of the plot may designate or alter an existing designation, and must do so in writing to the Trustees.
- C.** The total sale price for each plot includes General Care. Additional General Care Funds can be donated towards the maintenance and care of the cemetery.
- D.** A Certificate of Right to Inter signed by the Cemetery Trustees will be issued when the total sale price is paid in full.
- E.** No interment may occur in and no foundations, markers, or stones may be placed upon a plot until it is paid for in full.
- F.** A cemetery plot is defined as a one-plot site 4 feet by 10 feet.
 - 1. One-plot sites are limited to a combination of three interments, i.e.:

- a. one full burial plus two cremation burials above; or
 - b. one full burial plus two infant burials; or
 - c. three cremation burials.
2. Multiple adjacent one-plot sites may be purchased. This will allow additional burial marker configurations (see Section 13).

G. Corner markers shall be installed, at the expense of the purchaser, four (4) flush with the ground. Markers and installation shall meet with the approval of the Trustees.

H. Plot Costs: \$600.00 (subject to change)

I. All plots and all non-plot areas within the cemetery are maintained under the responsibility of the Trustees. Perpetual and General Care maintenance is limited to raking and mowing of plots when necessary. It includes reasonable and practical care of the unsold areas of the cemetery, such as lawn areas, roads, shrubs and trees, which have been established in the cemetery. In no case shall the Trustees be responsible to maintain, repair, or replace any memorial, erected or placed upon a plot, nor perform any special or unusual work in the cemetery.

J. Ledge, large boulders, and other above or below ground obstruction may reduce the capacity of a plot. The owner may ask the Cemetery Trustees to have these impediments removed. If the Trustees agree, the owner must pay for the work in advance. The owner may instead choose to accept the reduction in capacity or relinquish the plot as herein described or exchange the plot (with the approval of the Trustees) to another plot within the Cemetery.

K. The right to enlarge, reduce, replot, or change the boundaries or grading of the cemetery, or a section or sections thereof, from time to time, including the right to modify or change the location of or remove or regrade roads, drives or walks, or any part thereof, is hereby reserved in the Trustees. The right to lay, maintain, and operate, or alter or change, pipelines or gutters for sprinkler systems and drainage purposes is also expressly and similarly reserved, as well as is the right to use cemetery property, not sold to plot owners, for cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto. The Trustees reserve to themselves and to those lawfully entitled thereto, a perpetual right of ingress and egress over plots for the purpose of opening or passing to and from other plots.

L. The Trustees reserve the right when they deem it to be in the best interests of the town to purchase outright, or by exchange for other graves, any unoccupied grave or cremation space at the original price in accordance with Section 9.

M. The Trustees retain the right to offer plots within sections and blocks in an ordered system determined to be by them in the best interest of the overall management of the cemetery.

SECTION 8. PLOT/RIGHT TO INTER OWNERSHIP

A. RSA 290:24 and other applicable laws of the State of New Hampshire govern the descent of title for cemetery plots, as well as other matters relating to their ownership. It is important that on the decease of an owner of the plot, the heirs or devisees of such person should file with the Trustees full proof of ownership for the purpose of correcting the record. Notarized statements as to relationship and certified copies of wills or probate records are normally sufficient. The trustees can request additional documents deemed necessary to establish ownership.

B. No person shall be considered as the rightful owner of any plot unless he/she shall be in possession of a duly executed Certificate of Right to Inter. If a Certificate cannot be presented in relation to a planned burial, a person shall sign an Interment Order. However, the books of the Cemetery Trustees shall be considered as final in determining ownership of any grave or cremation space. The Trustees reserve the right to make an interment of any member of the immediate family of the plot owners upon their own authorization. No other person may be interred in any plot without proof of ownership or written consent of the owner. Description and location of graves and cremation spaces shall be defined in accordance with the plans and other records of cemetery graves or cremation spaces which are kept on file by the Trustees.

C. The subdivision of plots is not allowed.

D. It shall be the duty of the plot owner to notify the Trustees of any change in address. Notice sent to the plot owner at the last address on file with the Trustees shall be considered sufficient and proper legal notification.

SECTION 9. PLOT/RIGHT TO INTER RESALE/RELINQUISHMENT

A. The owners of interment property, or their heirs, shall not grant, sell, alienate, or convey, the said interment property to any person or persons other than the Town of Wakefield. Resale of interment property to the Town shall be for the same sale amount as originally paid for same.

B. Upon request of the plot owner, when interment property is relinquished or resold to the Town, the original sale amount shall be returned to the owner. The income, the original cost of recording, or corner post installation are not refundable.

C. After completing the noticing required by RSA 289:18, as amended, the Trustees may declare forfeiture of unused plots meeting the stated conditions. Plots so forfeited may be resold.

SECTION 10. CARE FUNDS

All care funds held by the Town of Wakefield whether general, trust or perpetual care will be invested by the Town of Wakefield under the direction and care of the Wakefield Trustees of Trust Funds as provided by law and will be expended only as provided by

law. However, expendable trust funds established by the Town under RSA 31:19-a may be expended in accordance with said statute as amended.

SECTION 11. INTERMENTS/DISINTERMENTS

A. When an interment is requested, the applicant must provide a signed Interment Order, proof of ownership and/or proof of right of burial. In the instance of a preexisting plot for which the Town has insufficient burial records, no interment shall be allowed unless the applicant also provides proof that available burial space exists. In the instance where ground sensing radar is utilized it shall be at the expense of the applicant. When instructions regarding the location of an interment space in a plot cannot be obtained, or are indefinite, or when, for any reason, the interment space cannot be opened where specified, the Trustees may, in their discretion, authorize it opened in such location in the plot as they deem best and proper, so as not to delay the funeral; and the Town shall not be liable in damages for any error so made. The Trustees and the Town shall not be responsible for any mistake occurring from the want of precise and proper instructions as to the particular space, size and location in a plot where interment, disinterment or removal is desired.

B. The cemetery will be open for interments only upon appointment with the Trustees. A minimum notice of 48 hours shall be given prior to an interment. The Trustees reserve the right to postpone interment time due to acts of God, nature, weather, and civil and national emergencies.

C. Generally interments will not be allowed on Sundays, Holidays or between December 1 and April 15 except with the prior consent of the Trustees. Every effort will be made to accommodate requests. However, permission will be granted subject to availability of staff and weather conditions that allow gravesites to be located and opened without damage to cemetery property or other gravesites. In the event a grave cannot be opened due to unforeseen large boulders, ledge, or other above or below ground obstructions, every effort will be made to allow the ceremony to proceed as scheduled with the actual interment to take place at a later date. In these circumstances the Town and the Cemetery Trustees will not be held liable for expenses, inconveniences or costs due to delay.

D. All interments, including cremains, shall be done under the supervision of a Trustee, Sexton, or by a contractor pre-approved by the Trustees. All grave openings will be done by a contractor pre-approved by the Trustees.

E. The funeral director, next of kin or designated agent shall present all burial documents to a Trustee or their designee before interment.

F. Once a casket containing a body is within the confines of the cemetery, it shall not be opened except by a funeral director or his/her assistants or on an order signed by a court of competent jurisdiction.

G. The Trustees do not provide services for interment, disinterment, ceremonial activities, or monument, marker or foundation installation, repair or maintenance. All

burial services shall be provided by the funeral director, next of kin or designated agent. Services shall include vault placement, artificial grass, lowering devices and any other materials and/or equipment associated with the burial ceremony.

H. Once opened, the funeral director, or designated contractor shall be responsible to ensure graves are adequately covered/secured until the burial.

I. Once an interment has been made, graves will be opened only by Trustees in their sole and exclusive judgment that such opening is proper, necessary, and duly authorized or when directed to make a disinterment by an order of a court of competent jurisdiction and a certified copy of such order has been filed with the Trustee. In the case of cremains, disinterment requires proof of ownership of the cremains and a signed statement from the owner. In all cases, the responsibility of the Trustees shall be limited to authorizing the opening. The opening of the grave and the actual disinterment must be made by the person authorized to do so.

J. The Trustees and the Town shall in no way be liable for any delay in the interment of a body where a protest to the interment has been made, or when the Regulations have not been complied with; and further, said Trustees reserve the right, under such circumstances, to place the body in a receiving vault until the full rights of the parties have been determined. The Trustees shall be under no duty to recognize any protests of interment unless they are in writing and filed with the Trustees.

K. Removal of a body or cremains with the intention that the plot may be sold, or removal contrary to express or implied wish of the original plot owner, is forbidden.

L. A body, or cremated remains, may be removed from its original plot to a different plot in the cemetery, where there has been an exchange or purchase for that purpose. The cost to be borne by the plot owner.

SECTION 12. CREMATIONS

A. Refer to Section 7 of these Regulations for allowed cremation configurations per plot.

B. Only a token scattering of ashes on a plot is permitted and requires the approval of the plot owner. Notice is to be made to the Trustees for record keeping purposes. Token scattering of ashes may not occur in other areas or on other non-owned plots with the exception of within Memorial Garden areas where provided.

SECTION 13. MINIMUM STANDARDS

A. No granite or other curbing, fence, or enclosure of any kind will be permitted in or around any grave or cremation space, and no post, indicating either an extreme or intermediate boundary in any grave or cremation space will be allowed to protrude above the level of the walkway or ground adjacent to said grave or cremation space.

B. Graves shall be used for no other purpose than a place of burial.

C. No animal will be allowed to be buried in or on any cemetery site or property with the exception that pet cremains may be included with a human interment.

D. All graves shall measure a maximum of: four (4) feet by eight (10) feet.

E. All subjects for burials including amputated limbs must be received in an enclosed, rigid container.

F. Monuments and Markers:

1. A total of 4 markers are allowed per plot.

2. Every plot is allowed either:

Up to three flush markers not exceeding 2' x 1' (unless one of the joint monument options below is utilized).

Two or more adjacent plots may have one joint monument not exceeding 14" deep by 3.5' wide and 3.5' in total height, placed at the top line, center of the plots. The above configurations may be varied if approved by the Trustees upon their determination that adequate space exists. In Section A two or more plots must be purchased to allow for one above ground monument. In Sections B and C four or more plots must be purchased to allow for one above ground monument.

G. No monument or other above ground structure on a plot shall be constructed of any other material than cut marble, granite, natural stone, or real bronze.

H. No monument shall be erected until a suitable foundation is laid. All foundations for monuments shall be no less than 4 feet in depth and be of a length and width so as to underlie the monument base. All monuments are to be placed in a continuous straight line along the topline of the Plot(s) as shown on the plan of the Stonehedge Cemetery.

I. Monument installation shall be by the owner's contractor under the supervision of Cemetery Trustee, Sexton or their designate.

J. Should any monument or memorial become unsightly, dilapidated, or a menace to visitors, the Town shall have the right, at the expense of the plot owner, to either correct the condition or to remove same at the expense of the plot owner.

K. No monument or marker shall be removed from the cemetery. In the instance where a replacement monument or marker is installed, the original stone shall remain within the plot. It shall be placed, face down, on the grave at ground level.

L. Changing the surface of a plot is **not** permitted, unless approved by the Cemetery Trustees.

SECTION 14. PLANTS, SHRUBS, FLOWERS, DECORATIONS

A. Flowers, wreaths, baskets, etc. left on graves or plots will be removed by Trustees as

soon as possible after they fade or become unsightly.

B. Planting of shrubs and trees is prohibited

C. The in-ground planting of flowers on plots with above-ground monuments is allowed, but is limited to an area fourteen inches in front of or around the above-ground monument.

D. Only removable pots will be permitted on graves with flush markers.

E. Urns and pots are to be emptied before the winter season, and winter wreaths, etc. are to be removed before the spring season by the owner.

F. No glass jars, unsightly metal receptacles, or breakable flower containers shall be placed on plots. True floral containers and rustic baskets are recommended. No plastic flowers containing wires shall be placed on plots. Plants or silk flowers are recommended.

G. The placing of small flags and flag holders on graves is allowed between Memorial Day and Veteran's Day. The Trustees have the right to remove flags at other times or in the case of a flag in deteriorated condition.

H. No decorative landscaping stones will be permitted on any plot. It is not permissible to place fences, curbs, or other articles on any plot.

I. The placing of boxes, shells, toys, ornaments, chairs, settees, statues, vigil lights, breakable objects of any kind, any items containing wires or similar unauthorized items upon plots will not be permitted.

J. The Trustees have the right to remove non-conforming items from any plot after an attempt has been made to contact the plot owner to remove said item.

K. If appearance of the cemetery is adversely affected by work performed by or at the direction of an owner, the Trustees may require the owner to revamp the work at the expense of the owners.

SECTION 15. CORRECTION OF ERRORS

The Trustees reserve the right to correct any errors that may be made by them in making interments, disinterments or removals, or in the description, transfer, or conveyance of any interment property.

SECTION 16. ENFORCEMENT

A. The Trustees are hereby empowered to enforce the foregoing Regulations and to exclude from the cemetery any person deliberately violating such Regulations. The said Trustees shall have charge of the cemetery grounds and shall have supervision and

control of employees and all persons visiting the cemetery, whether plot owners or otherwise.

B. It shall be the duty of the Trustees to report any violations to the Police Department who shall then prosecute any such offense as defined by law.

SECTION 17. WAIVER

Upon written request or on their own accord, the Trustees may waive or amend the requirements of these Regulations, including the forms pertaining to Interments, when in the opinion of the Trustees, specific circumstances surrounding a proposal indicate that such waiver or modification will properly carry out the purpose and intent of these Regulations.

THE FOREGOING REGULATIONS ARE SUBJECT TO CHANGE BY VOTE AT A LEGALLY NOTICED MEETING OF THE CEMETERY TRUSTEES.

Effective Date:

CEMETERY TRUSTEES:

__Philip Twombly
Chairman

__David Tibbetts
Trustee

__David Mancus
Trustee

Original Signatures on File