

Town of Westwood  
Department of Public Works  
Cemetery Division  
Westwood, Massachusetts

**Rules & Regulations**

**Town of Westwood Cemeteries**

**Old Westwood Cemetery**

**New Westwood Cemetery**

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**In General**

Persons aggrieved by these Rules and Regulations and/or the operations or application by management have the right of appeal when made in writing to the Town’s Cemetery Commissioners and management.

The verbal statement of any employee of the cemetery shall not be binding upon management, except as such statement coincides with the document conveying the right of interment and with the rules and regulations.

The Town of Westwood and its DPW /Cemetery Division, through its management, reserves the right, without notice, to make temporary exceptions, suspensions, or modifications of any of the rules and regulations when in its judgment, the same appears advisable. In no way will it be considered as affecting the general application of such rules and regulations, The Town of Westwood, through its management, reserves the rights at any time to change, amend, alter, repeal, rescind, or add to these rules and regulations or any part thereof, or to adopt any new rule and regulation with respect to its cemeteries or anything pertaining thereto.

The above revised Rules and Regulations were approved by the Town of Westwood and the management of the cemeteries on the \_\_\_day of \_\_\_\_\_2013.

Attest:

Board of Selectman

Cemetery Commissioners

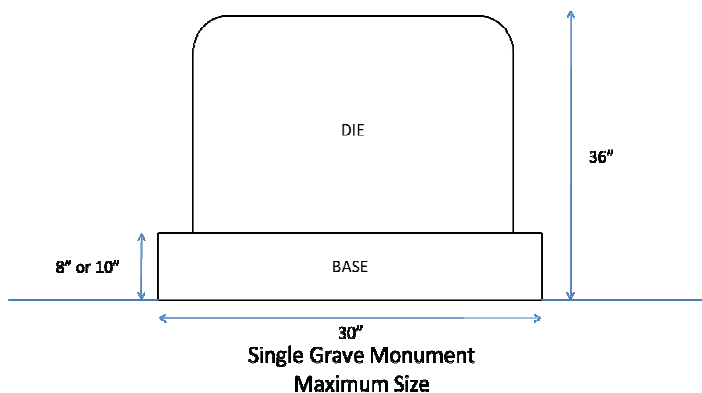
work as well as any damage to other monuments /memorials and/or Cemetery grounds. All work must conform to the Cemetery Rules and Regulations. Should any memorial, monument, marker or tablet, become unsightly, dilapidated or a menace to safety of persons within the cemetery, the management shall have the right to give written notice, to the License Holder to correct the condition or to remove the same, at the expense of the holder.

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

Memorials / Monuments shall be limited to one upright granite monument or granite tablet per License of Burial, per the size and specifications, and shall be placed in the center and head of the grave (s) or lot so licensed. All memorials will be placed on a suitable foundation, installed by the cemetery staff or their designee. A Memorial Authorization Permit Form is required for all new memorials/ monuments, all inscriptions or work to the memorial/ monument including all attachments.

### Measurements of Memorial Monuments

See printed document on monument / memorial sizes, foot and VA markers and specifications for the section where you have grave (s). An example of the specifications is a single grave monument may not exceed a total height above the foundation of three (3) feet. The *Base* will be 8 Inches but not exceed 10 inches high and the *Die* not exceed twenty six (26) inches in height.



### Private Family Estate Mausoleum Memorial

Private Family Estate Mausoleums are not allowed in the cemetery. Management has the right to set specification, size and style. Management will have final approval.

### History of the Cemeteries of Westwood, Massachusetts

Westwood, the part of the Dedham Plantation “lying beyond the Rocks Westward” has had a town cemetery for the consolation and convenience of its residence since 1752 when members of the Clapboard Trees Parish purchased the first half acre of land from Nathan Kingsbury.

What we now call the “Old Westwood Cemetery” is located on Nahatan Street at the intersection of High and Pond Streets. Among those buried here are members of early Westwood families as well as the drummer boy of the “Battle of Bunker Hill”, Robert Steele. This cemetery today has burials in existing family graves and lots, however, no new burial rights are available for sale in this cemetery.

The “New Westwood Cemetery” located on the opposite side of High Street with its main entrance adjacent to the Parish of St. Margaret Mary, was opened in 1979. The area in which the new cemetery is located was owned earlier by the Baker family. This land was purchased by the town and before becoming a cemetery was called the Baker Conservation Area.

The “New Westwood Cemetery” continued to be a very active town cemetery and a new area of the cemetery” Phase Two” was developed and opened in 1993. The two areas of the cemetery are known as Phase One in the lower level and Phase Two was on the upper level of the New Westwood Cemetery. It is in this upper level that residents of Westwood can now purchase their burial rights.

In 2013, theTown approved funds for the future expansion of the New Cemetery and plans are now being drafted to help reach the goals of continuing an active cemetery for our residents, past and present, in the Town of Westwood.

The following are the revised Town of Westwood Cemeteries Rules and Regulations. The cemetery office located at the Municipal / DPW office at 50 Carby Street is available to help answer your questions and to assist you with your selection of purchasing a grave or graves in our cemetery.

Respectfully Submitted,  
Town of Westwood  
Cemetery Commission

## **Preamble:**

In order to ensure the character of the cemeteries, in accord with the mind and practice of the Town of Westwood, and to establish and maintain good order, the following Rules and Regulations are hereby adopted. The Commission is hereby empowered to enforce all Rules and Regulations and to exclude from the cemetery any person violating the same.

## **Formal Adoption:**

For the mutual protection of the license holders, families and visitors in the Town of Westwood's Cemeteries, in accordance with the Massachusetts General Laws Chapter 114, Sec.21 and Sec. 27, do hereby adopt the following rules and regulations. All license holders and persons within the cemetery, and all graves and other burial options shall be subject to said Rules and Regulations and the governing body shall adopt such amendments or alterations thereof or additions thereto as from time to time. Reference to the Rules and Regulations in the document conveying the right of interment shall have the same force and effect as if set forth in full therein. Voted and approved by the Cemetery Commissioners on September 26 , 2013.

## **Definitions:**

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

Cemetery - all property within the Town of Westwood Cemeteries dedicated for the burial of deceased human remains.

Cremation Niche - see Niche.

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

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

Deed- see License of Burial and Burial Rights.

Entombment - the permanent placing of remains in a crypt in a mausoleum.

## **Perpetual Care**

The cemeteries of the Town of Westwood as operated by said Cemetery Commissioners & DPW/ Cemetery Division, are Perpetual Care Cemeteries. All money that is designated for the Cemetery Perpetual Care Fund is used for Cemetery purposes: The principle portion is set aside for investment and the proceeds (income) thereof are used to provide general care. The Perpetual Care Trust Fund is to be understood as that care and maintenance necessitated by natural growth and ordinary wear, and includes the management, staff and the care of cutting of lawns, cleaning and maintenance of roadways, walks and buildings, provided there is sufficient income funds for these purposes. The Perpetual Care Fund income does not mean the maintenance, repair or replacement of any monument / memorial placed or erected upon any lot or grave: nor the planting, cutting, watering or care of any privately planted flowers, trees or shrubs: nor does it mean the reconstruction of any granite or special work in the cemetery of a lot or grave.

## **Memorial & Rules for Memorial Work**

The license holder, its heirs and its authorized agents (Memorial Dealers) shall abide by all the rules and regulations of the cemeteries operated by the Town of Westwood. The management reserves the right at all times to approve and prescribe the kind, size, design, symbolism, quality, and material of memorials, inscriptions, monuments, tablets and foot markers placed in the cemeteries. All memorials and inscriptions are subject to the approval of the management prior to their placement. Monuments /Memorials and inscription deemed by the management to be obscene, offensive, unreasonable, commercial, or oversized will be rejected.

Management reserves the right to establish the days and hours when memorial work may be completed in its cemeteries. All memorial work or placement of a monument /memorial shall be with the approval of the license holder or heirs of said lot or grave. Memorial Dealers shall submit a detailed drawing and design of the monument / memorial as well as a certificate of insurance to management with the request for foundation placement. The License Holder and the Memorial Dealer will both sign a Memorial Authorization Form before any work can be approved. The location and position in which the memorial is to be placed or erected shall be entirely subject to approval and under the supervision of management. Memorial employees, in placing or erecting memorials or bringing materials in regard to such work, shall operate in a safe and efficient manner at all times. As independent contractors, they shall be responsible at all times for their

## **Cemetery Hours**

The management shall have the right to establish the opening and closing hours of its cemetery, office and its cemetery grounds. The office hours are 7:00 A.M. to 3:00 P.M. Monday through Friday. The grounds are open for visitation from 7:30 A.M. to 7 P.M. except during the months of October through March when the hours are 7:30 A.M. to Dusk.

## **Outside Workers**

The management reserves, and shall have, the right to give authorization to any non-Westwood Cemetery employees, workers and agents (Memorial Dealers & Funeral Directors) before they may do work in any of the Town of Westwood cemeteries.

## **Employees**

Employees of the cemeteries are not permitted to do any work for a license holder, heir or visitor, except upon the order of the management. Employees are required to be civil and courteous to all visitors at all times.

## **Loss or Damage**

The management disclaims all responsibility for loss or damage beyond its reasonable control, and especially from damage by an act of God, the elements, insurrections, riots, order of any military or civil authority, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, or any cause similar or dissimilar beyond management's control, whether the damage is direct or collateral. In the event it becomes necessary to reconstruct, or repair any section of the cemetery, including graves, niches or crypts or any portion thereof, management shall give written notice of repairs and repair the area. If it is the responsibility of the license holder or its heirs to repair said damage, then said notice will be sent to the last known address of the license holder. If the holder does not repair the damages in a reasonable time, the management may direct the repairs to be made and charge the expense against the lot or grave and to the holder of record.

## **License Holder's Change in Address**

It shall be the duty of the license holder, and their heirs to notify the management of any changes in its post office address. Notice sent to the holder at the last address in the records shall be considered sufficient and proper legal notification.

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

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

Foot Marker - a flush to the ground memorial made of bronze or granite and placed at foot of grave. (Please see cemetery requirements for monuments or memorials.)

Governing Body - the independent managing authority of a cemetery as applied to a national, state veteran's cemetery, municipal cemetery, religious cemetery or private non-profit cemetery. The Town of Westwood's Board of Selectman is the governing body with management authority for their municipal cemeteries.

Grantee - See License Holder and Licensee.

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

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

Interment - the permanent placement of a dead human body placed in a casket, in an outer burial container, and buried in the ground.

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

Lawn Crypt - a pre-installed, durable, permanent liner, placed in a double depth earth burial grave that allows for two (2) traditional casket burials of the human dead, with one casket being interred above a second casket burial with a durable partition dividing the two areas.

License Holder - the sole purchaser of the licensed rights of burial of a grave, mausoleum crypt or cremation niche, located in the Town of Westwood Cemeteries.

Licensee- See License Holder.

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

Lot Holder - See License Holder.

Management - the person or persons duly appointed by the governing body for the purpose of conducting and administering cemeteries owned and operated by the Town of Westwood. Currently this is the DPW/ Cemetery Division and Board of Cemetery Commissioners. The Cemetery office is located at 50 Carby Street, Westwood, Massachusetts.

#### Monuments or Memorial

Please see monument requirements for cemetery and grave sections.

##### Monument:

*Traditional:* upright monument usually made of granite commemorating the life of a deceased person or persons and placed at the head of a grave (s) on a foundation.

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

*Tablet:* a granite memorial raised and set on a foundation, at the head of the grave commemorating the life of a deceased person or persons.

*Foot Marker:* centered at foot of grave, flush to ground and made of bronze or granite.

Niche - a discrete chamber designed, constructed, and intended for use as a permanent repository, for the inurnment of cremated human remains, encased in an urn.

Perpetual Care - an arrangement made by the cemetery whereby restricted funds (Principle) are set aside, the income of which is used to help maintain the cemetery, indefinitely.

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

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

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

## **No Easement Granted**

No easement or right is granted to any license holder in any road, drive, walkway, open space, within the cemetery, but such roads, drives, walkways, may be used as a means of access to the cemetery, family grave (s) and its buildings as long as management devotes said areas for that purpose.

## **Use of Cemetery**

Persons using the Cemetery are expected and required to conduct themselves in a courteous and respectful manner at all times.

The use of motorized vehicles and bicycles is limited to paved roadways and are specifically excluded from walkways and grassed areas. Speed shall be limited to ten miles per hour maximum (10 MPH).

Any object or objects placed on a grave or any Cemetery grounds which, in the opinion of management, is deemed offensive, improper or detrimental to the general appearance and safety of the cemetery, may be removed without notice.

No pets are allowed within the confines of the Cemetery.

Alcoholic beverages are prohibited from Cemetery grounds at all times.

## **Conduct in the Cemetery**

Idling, loafing, loitering, playing, or boisterous demonstration within the Cemetery is prohibited.

Rubbish disposal, picnicking, flower or shrub sales, soliciting, placement of signs and advertisement and improper assemblages are prohibited.

Children must be accompanied by a parent or guardian when on cemetery grounds.

## **Grading & Improvements**

The management reserves the right to do all grading, landscape work, improvements of any kind, and all care of lots and graves (to plant, trim, cut or remove all trees, shrubs and herbage within the cemetery grounds). Any and all improvements or alteration in the cemetery will be under the direction of and subject to the approval of management. The management reserves the right to use legally approved chemical applications to beautify and protect the cemetery grounds.

Unightly plantings, holiday and all general decorations may be removed at the discretion of the management. The planting of trees, shrubs, vines, or other growing boundaries is not permitted. The use of fencing, edging, mulch or lights is also prohibited. No in-ground planting beds of any kind at flush memorials or markers is allowed. Schedule clean up maintenance of the entire cemetery will be posted.

The use of the lot or grave is for the license holder and their designee only, and not for resale or profit, the rights of interment in an unoccupied designated lot or grave, may only be relinquished to the cemetery first with a written request.

The management reserves the rights to permit or authorize more than one human remains in one grave. The Town of Westwood where acceptable, allows the burial rights of two deceased persons in a single grave. (Please review your License of Burial.)

In the event of the death of the license holder any and all rights and privileges remaining shall pass to the family legal heirs. Management will follow the Commonwealth of Massachusetts laws (**Chapter 190, Section 3**) pertaining to the rights of heirs. All rights of the holder and the heirs will be authorized with the use of an Interment Authorization Form for each interment right granted.

### **Service Charges and Payments**

The management shall have the right to establish a fee for service and time of payment for each interment, disinterment, and removal, and for the performance of any other service rendered by the cemetery including monument / memorial foundations. All work and services in connection with such services shall be subject to and supervised by said management.

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

The current Schedule of Fees is contained in a document titled "Cemetery Price List".

### **Right to Replat and Change**

The following rights and privileges are hereby reserved to the management to be exercised at any time for the erection of buildings, grave development or for any purpose or use connected with, incident to or convenient for, the care, preservation, or preparation for interment of the deceased or other cemetery purpose: To survey, enlarge, diminish, replat, alter in shape or size or otherwise change all or part of portion of any cemetery, including establishing, close or other wise modify the roadways, walks, or drives.

### **Purpose of Cemetery:**

The cemetery is intended for the interment of those entitled to burial according to the requirements of the Town of Westwood, Massachusetts General Laws, and the Rules and Regulations of the Cemetery. No grave, lot, crypt or niche shall be used for any other purpose than the burial of the human dead. Exclusively the management appointed by the Governing Body shall decide any questions on the burial of any others not defined according to the Rules & Regulations, and such will be binding on both parties.

The conveyances of the rights of Interment shall be exclusively limited to those Westwood residents past/present approved by the management of the Cemetery / Town of Westwood. The Town's Board of Selectman, and or their management designee (Cemetery Commissioners) shall have final authority on conveyance of all burial rights.

### **Admission to Cemetery:**

The management reserves the rights to refuse admission to the cemetery and to refuse the use of any cemetery equipment or facilities at any time to any person or persons, as the rules, judgment, and traditions may dictate.

### **Arrangement for Interments:**

Management shall have the right to require those wishing to make a selection of a grave, or arrange an interment, to call at the cemetery office in ample time to complete the respective arrangements. If a Funeral Director or other authorized agent is representing the license holder or their heirs, the arrangements made by the agent with management are binding on said holder.

No organization, except those approved by the governing body will be permitted to conduct services in the cemetery.

The management shall be in no way liable for any delay in an interment of a body where a protest to the interment has been made, or where rules & regulations have not been complied with, or forbid such interment; and further, said Management reserves the rights under those circumstances to place the body in a receiving tomb and or held by the agent until rights have been determined. Any protest may be required to be in writing and filed in the cemetery office of the Cemetery.

Interment Procedures (see also Instructions to License Holders)

Interment burial services shall be scheduled between the hours of 9:00 A.M. and 1:00 P.M., Monday through Friday. Interments requested beyond the scheduled hours shall be at the discretion of the management and shall be charged at the Premium Time Fee (see Fee Schedule). The management shall make every effort to be as accommodating as possible in scheduling week day and Premium Time interments. There will be no interment services scheduled on Sunday, and the

following legal holidays; New Years Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day / day after, and Christmas Day, or days determined by the governing body or cemetery management. Lists of all no interment service days are available at the cemetery office.

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

Funerals entering the cemetery shall be under the charge and direction of the Cemetery Superintendent. The casket may not be opened at any time within the Cemetery without the express permission and in the presence of management. Management reserves the right to refuse permission without the consent of the legal representative of the deceased or without a court order or authority of civil authority.

### Disinterment / Removal Procedures

No disinterment or removal of a deceased body, cremated remains or a memorial/monument shall be allowed without permission of management or an authorized court order, written authorization of the License Holder and all heirs, a Disinterment/Burial Permit from the Board of Health and the payment of all appropriate fees.

### Correction of Errors

The management reserves, and shall have the right to correct any errors that may be made by it either in making an interment, disinterment or removal or in the description, transfer or conveyance of any of the rights, either by canceling such conveyances and substituting and conveying in lieu thereof other interment rights or grave of equal value and similar location as best possible selected by management.

### Instructions to License Holders

Persons arranging for interments should visit the cemetery's office, where the management will aid them in effecting the necessary arrangements. A Funeral Director as your agent may complete this for you. Arrangement by phone for services will not guarantee the correct information for arrangement. A minimum of twenty-four hours (24) is required to request arrangements for interment (Monday—Thursday. Services requested on Fridays after Noon will result in a Tuesday interment.. A fee for a burial interment service will be approved by the Cemetery Commissioners and cemetery management.

All grave interments of a casket or a cremation container shall be made with a concrete or a durable outside container in accordance with specifications determined by the management. Use of a grave liner, vault or urn vault is approved. No two-piece top covers are allowed.

Capacity: each single grave is granted the right of ground burial for two (2) deceased human remains, one option being, two(2) full casket burials and another being one (1) full casket burial and one (1) cremated remains, unless recorded otherwise. No casket burial can exceed 42 inches total width, and 96 inches total length, including the placement of the outer burial container.

License Holders have the right to place one permanent granite monument at the head of the grave or graves purchased and licensed, unless designated otherwise. All traditional monuments /memorials will be placed in the center of the graves or graves so licensed, and on a foundation approved and installed by the cemetery. A fee for this service and rules and regulations and specifications of the monument / memorial will be set by the governing body (Cemetery Commissioners) and cemetery management. All forms of approved memorials / monuments to be placed on said graves remains the property of the individual License Holder. Therefore, any safety concerns, damage, due to weather; acts of God; vandalism; malicious mischief; or theft, are the owner's responsibility and should be included on their home owners insurance policy.

The current specifications and requirements for memorials and foot markers are on file at the cemetery office.

A temporary memorial when provided by the Funeral Home for a deceased individual may be placed at the head of the grave at the time of interment services; however they will be removed in a timely manner and are considered as part of grave decoration.

License Holders may, at their own expense, install a planting bed in front of their respective upright monuments only. Beds may not exceed 18" in front of the monument and no longer than the monument base in length. The planting bed shall be maintained in a neat appearance at all times.

