

RULES AND REGULATIONS GOVERNING BRENTWOOD, NH, CEMETERIES

2024

Approved by Cemetery Trustees on September 5, 2024

Summary

Three Trustees of the Cemeteries have been elected to oversee and maintain the public cemeteries within the town of Brentwood. It is the desire of the Board of Trustees to provide the residents of Brentwood with a well-groomed and peaceful country cemetery where those who visit will benefit from a calm and satisfying experience. Consequent to this responsibility, a comprehensive set of Rules and Regulations was adopted and revised over the years.

Copies are available through the Superintendent of Cemeteries and the Cemetery Clerk.

Although there are some twenty-nine (29) identified burying grounds within the town limits, the Tonry Cemetery, a gift deeded to the town in 1990 and located on the south side of Middle Road, is presently the only **public** graveyard open for interments.

These Rule and Regulations apply only to the municipal cemeteries, but every burial in the Town of Brentwood - even those within private graveyards - must be registered at the Town Office and are subject to Town of Brentwood Zoning Ordinances.

Also note that all private burial grounds likewise are controlled through the State of New Hampshire laws that regulate the burial of human remains: RSA 289.

Definitions of Terms Used Herein

- **Base:** The stone pedestal at ground level upon which some monument rest.
- **Burial Rights:** The right to be buried in a specific lot; granted either through purchase, probate action, or transfer to relative via a document signed by the original purchaser. *See also Deed*
- **Burial Site:** A location for burial; a general term often used for a Lot, Plot or Grave
- **Cemetery:** An area set aside for the burial of human remains, herin used interchangeably with “burying grounds” and “graveyard”
- **Closing of Grave:** The covering over with soil the buried remains of and individual
- **Cremains:** The remains of a cremated human.
- **Deed:** A deed, signed by the Cemetery Trustees and registered at Rockingham County Court, that grants a “Right to Interment” at a specified burial site. Property deed granted in earlier documents that deeded the actual land are no longer available. *Specific assignment of the names of individuals authorized to be buried in the grave/graves should be included on the back of the deed.*
- **Footstone:** A permanent marker placed at the foot of a grave. [Permit Required]
- **Foundation:** A poured block of cement/concrete, below the frost line, upon which the base and the monument rests
- **Grave:** One burial site for either a casket or an urn. *See also Lot.*
- **Gravestone:** A permanent marker designed to identify a deceased individual. *See also Monument.* [Permit Required]
- **Interment:** The burial of human remains in a designated burial site. [Permit Required]
- **Liner:** A reinforced concrete container covering only the top and sides of a casket which will rest on the ground, design of which is to allow remains of the deceased to “return to earth” while providing a support to prevent the site from eventually caving in. *See also Vault.*
- **Lot:** One designated burial site measuring 10 feet by 4 feet suitable for the burial of a casket and/or urns. *See also Plot and Grave and Cremains*
- **Maintenance Trust Fund:** An account regulated by sections of RSA Chapters 31 & 289. There are two distinct Cemetery Trust Fund accounts in Brentwood: The Perpetual Care Fund and the Maintenance Fund , the former of which is no longer accepting new accounts. Only the yearly interest accrued on Perpetual Care accounts is available to be spent from the Trust Fund, which is under the control of the duly elected Trustees of the Trust Funds. The Maintenance Fund is used for the “improvement, watering, or embellishment of the cemetery, or to the care, preservation, or embellishment of any lot or its appurtenances.” [RSA 289:9] The Town of Brentwood, through taxation, supplies the additional funds necessary to maintain municipal cemeteries.
- **Monument:** A permanent marker designed to identify a deceased individual. *See also Gravestone* [Permit Required]

- **Opening of Grave:** Preparing for an interment or removal of remains. [Permit Required]
- **Permits:** Official forms related to cemetery activities; available at the Town Office.
- **Perpetual Care Trust Fund:** A discontinued, voluntary account regulated by sections of RSA Chapters 31 & 289. *This is a voluntary method of supplying funds has been replaced by the obligatory Maintenance Trust Fund fee, payable upon purchase of a burial site.*
- **Plot:** An area containing four contiguous lots, usually for the same family members. *See also Lot.*
- **Removal of Remains or Monument:** The opening of a grave and removal of casket or urn for the purpose of moving the remains to another location or the removal of a monument. These actions are subject to the restrictions of RSA 635:6. [Permit Required]
- **Urn:** A container made of concrete or another non-biodegradable material for the cremated ashes of the deceased. *See also Cremains.*
- **Vault:** A container made of concrete or similar, non-biodegradable material; it surrounds the casket and can be sealed. *See also Liner.*

Burial Process

Typically, the following steps are taken for a burial in Brentwood:

1. Undertaker notifies gravedigger of the cemetery where deceased is to be buried.
2. Undertaker files ORDER FOR INTERMENT permit at the Town Office.
3. Gravedigger contacts Superintendent of Cemeteries to arrange a meeting at the cemetery.
4. Superintendent reviews
 - a) the RIGHT OF INTERMENT DEED* and/or a signed document transferring ownership to a relative
 - b) the ORDER FOR INTERMENT form
 - c) the cemetery maps on file at the Town Office.
5. Using documentation, the Gravedigger and Superintendent locate the site for the burial and, if appropriate, probe to ascertain that there is room for the remains.
6. Grave is dug, body interred, and grave is closed

** When no deed is found, the Superintendent reviews maps and documents filed at the Town Office and/or provided by the claimant to try and ascertain if any documentation can shed light on the claim to the burial rights. It is ultimately the responsibility of the individual seeking a burial to provide convincing proof to an entitlement.*

Alternate Burial Process

An ALTERNATIVE BURIAL RIGHTS CLAIM may be completed, signed by the claimant, notarized, and filed at the Town Office with Cemetery Records.

This substitute deed:

- a. describes the exact location of the grave
- b. states that the signer does not have knowledge of the existence or location of a registered deed to the site
- c. describes the relationship to the deceased and/or the authority by which the claim is made
- d. indemnifies the Trustees and Town from liability and assigns full responsibility to the applicant, for any future challenge to the claim

- OR -

If convincing proof cannot be offered, the matter may be taken up in Probate Court by the individual seeking the Burial Rights, as provided for in RSA Chapter 290.

Cemetery Hours and Restrictions

The cemetery will be open from dawn till dusk and the gates open to motor vehicles and burials starting April 1 - unless the Trustees determine snow or excessively muddy conditions could do damage to the roadways or grounds. Likewise, unless an early snowfall warrants it, the gates will close for the winter on January 1. Upon request, exceptions to these restrictions may be made by the Trustees.

Because a cemetery is a place sacred to the memory of those interred and a place to seek comfort by those who have dear ones, an atmosphere of serenity is to be maintained at all times. For these reasons and in order to minimize unnecessary noise, prevent litter and animal waste disposal problems, the following are **prohibited**:

- 1) Walking a dog, unless on a leash. Any digestive track waste must be removed immediately
- 2) Horses
- 3) Motorcycles, snowmobiles, all micromobility vehicles (including mopeds, skateboards, bicycles) and other off-road vehicles
- 4) Loud or raucous behavior inappropriate for the setting
- 5) Unauthorized gatherings unrelated to the functions of a cemetery

Burial Site Details

- 1) Total number of burial sites that can be purchased by an individual is eight (8) lots
- 2) Number of caskets and cremains that can be buried in the same standard lot:
 - a. one (1) casket with no more than four (4) additional cremation urns; **or**
 - b. six (6) cremation urns

NOTE: Only non-degradable urns may be interred
- 3) Number of cremains that can be buried in the same cremation-only lot:
 - a. Two (2) cremation urns
 - b. Only flat markers may be placed at cremation only lots

NOTE: Only non-degradable urns may be interred
- 4) Purchase Price: (Subject to change) Total: \$420 per each standard lot which includes the following fees:
 - Burial Rights
 - Maintenance Trust Fund Fee
 - Deed Registration Fee
- 5) Purchase Price: (Subject to change) Total: \$220 per each cremation-only lot which includes the following fees:
 - Burial Rights
 - Maintenance Trust Fund Fee
 - Deed Registration Fee

Interments / Removals

- 1) Dates & Exceptions: Unless otherwise permitted by the Board of Trustees, Interments and Removals of remains will be made during the hours and months when the cemetery is open, and only after the required charges are paid and requisite permits are filed with the Superintendent.
- 2) All openings and closings of graves shall be personally overseen by the Superintendent.

Monuments

Only authorized persons will be permitted to install permanent grave monuments. Prior to the commencement of the installation, a **FOUNDATION & MONUMENT PERMIT** must be filed at the Town Office and the Superintendent of Cemeteries notified. The exact on-site positioning of foundations and gravestones will be determined **only** after consultation with the Superintendent and will conform to the regulations adopted by the Trustees and will be clearly illustrated on the permit.

When changes are to be made to a Monument already in place, a separate **ADDITIONS OR CHANGES IN WORDING ON EXISTING MONUMENT PERMIT** is required.

All permits shall be signed by the Lot Owner or Lot Representative, **not the dealer**. Installations that do not conform to the regulations herein stated will be required to be corrected at the expense of the signer of the permit.

1. Non-traditional shapes, illustrations, and wording on monuments are subject to the approval of the Trustees.
2. Foundations are to be the size of the base and installed below the frost line.
3. Maximum size of base for monuments:

Number of Graves	Maximum Size of Base
1 Single Grave	Base 2 ft. x 1ft.
2 Single Graves	Base 3 ft. x 1 ft. 2 in.
3 Single Graves	Base 3 ft. x 1 ft. 2 in.
4 Graves 1 Plot	Base 4 ft. x 1 ft. 2 in
5 or 6 Grave Lot	Base 5 ft. x 1 ft. 2 in.

4. Granite stones are recommended.
5. Upright stones must not exceed 4 ft. in height, including the base.
6. Single graves may have flush markers or stones not to exceed 2 ft. by 1 ft.

7. Slanted stones are permitted.
8. Elevated curbing around the perimeter of a Lot or a Plot is **not** permitted
9. In a single grave lot, the monument will be installed on the perimeter along the line of the other stones in the row.
10. In adjoining lots owned by the same individual, or with written permission of the other lot owners involved, the monument shall be centered along the perimeter of those lots in line with the existing monuments.
11. Within a plot, a monument may be located as above.
12. Only flat grave markers are allowed in cremation-only lots
13. The exact location of buried urns in a lot will be indicated with a marker installed by the Superintendent and indicated on the map of the cemetery at the town office.
14. Special requests such as benches, larger monuments, and flush corner markers shall be made to the Cemetery Trustees.
15. Flush military plaques are permitted, in addition to monuments. It is recommended they be cemented to a foundation, to prevent theft. The Superintendent of Cemeteries must be contacted prior to the installation and will oversee the project.
16. **Per the Select Board, tombstone rubbings are prohibited.** Contact the Superintendent of Cemeteries for more information on stone rubbings.

Maintenance of Sites

The Maintenance Fee paid at the time of purchase is deposited in a Trust Fund maintained by the Brentwood Trustees of the Trust Funds and is used for major projects. The interest earned from the old Perpetual Care Trust Funds and monies provided in the cemetery budget are used to mow the grass and provide essential care to each lot and the general appearance of the cemetery.

Water spigots are placed at various locations around the cemetery for use of visitors.

Note: This well water is not suitable for drinking.

Flowers / decorations:

- a. Cut flowers, artificial flowers, and decorations left at a grave must not interfere with the maintenance of the site nor be allowed to become unattractive. The Superintendent shall remove such items at his / her discretion when they become unsightly or interfere with keeping the cemetery grounds attractive.
- b. Flowers may be planted around the base of the monument but shall be contained within an area not more than 12 inches from the base. Should the plantings

become overgrown or unsightly, the groundskeepers shall take steps to remove them.

- c. Flower pots, baskets, and small flower urns may be used providing they rest on the base of the monument and not on the ground where they will need to be handled by groundskeepers.
- d. **Glass containers are not permitted.**
- e. The Trustees are charged with providing normal maintenance, such as timely mowing and trimming, but individual lot owners are responsible to render additional special care. Watering and weeding of flower beds are *not* the responsibility of the groundskeepers.
- f. Major alterations in the landscape of Lots and Plots shall be submitted in writing with specific details and shall require authorization from the Cemetery Trustees.

Shrubs and trees : Planting shrubs and trees is not permitted. In the case of existing shrubs and trees, the groundskeepers are not required to prune nor trim them but will take appropriate steps when they should interfere with mowing, become unsightly, or pose a potential problem to other grave sites.

Flag holders: These must be placed close to the monument so as not to require movement when mowing.

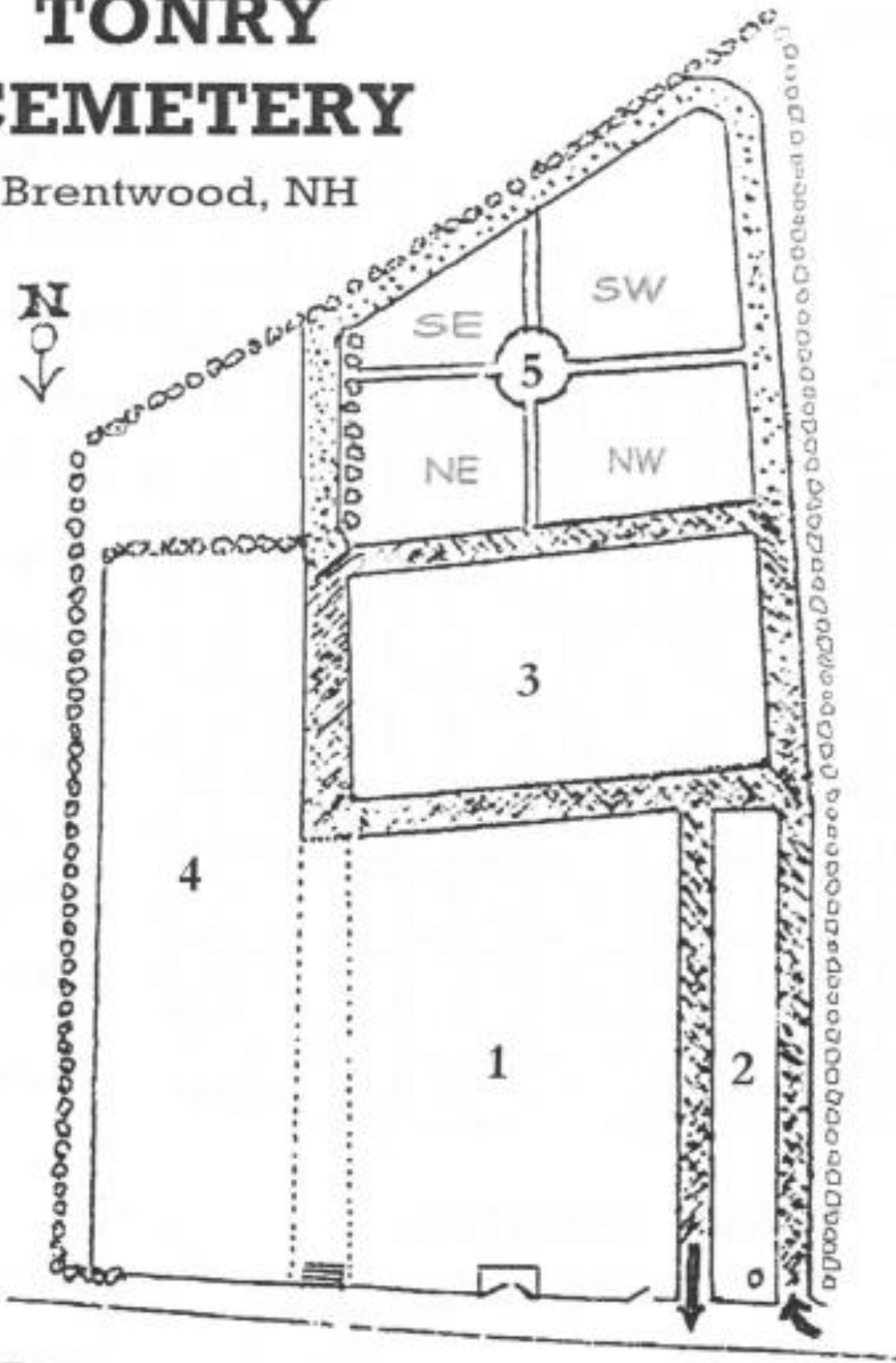
Other: In general, structures and objects that interfere with mowing - other than authorized monuments - are not allowed.

Forms available at the Town Office

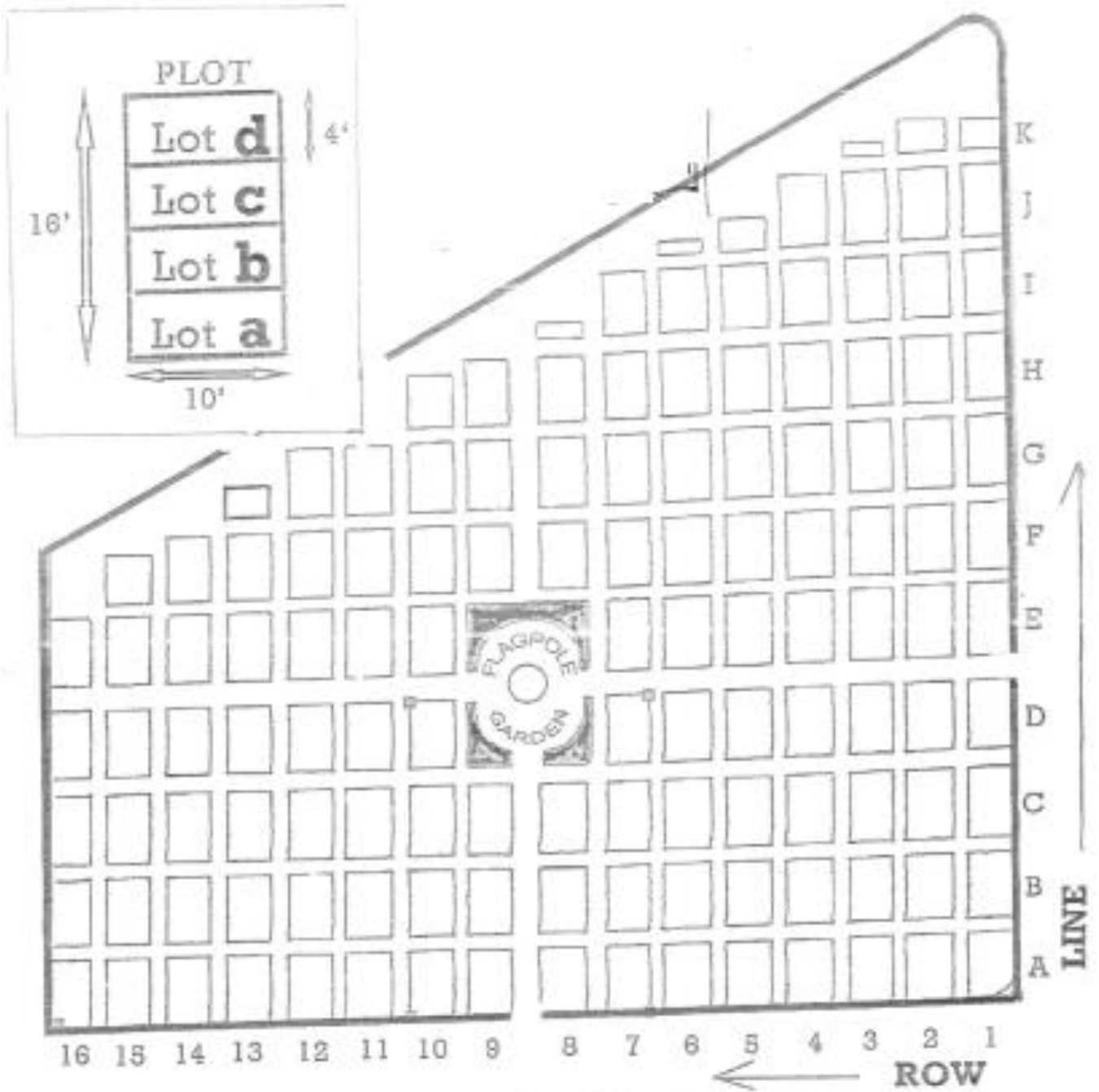
- RIGHT OF INTERMENT DEED
- ALTERNATIVE BURIAL RIGHTS CLAIM
- ORDER FOR INTERMENT
- ORDER FOR REMOVAL OF REMAINS
- FOUNDATION & MONUMENT PERMIT
- ADDITIONS OR CHANGES IN WORDING ON EXISTING MONUMENT

TONRY CEMETERY

Brentwood, NH



Route 111A - Middle Road



TONRY CEMETERY
Section 5