

PEACHAM CEMETERIES

REGULATIONS AND POLICIES

Revised February 7, 2024

The Town of Peacham welcomes you. Whether you are a resident or visitor, have a loved one interred, or are simply interested in the people who lived here, we hope our town cemeteries provide serenity as well as a distinctive sense of place unique to Peacham.

We consider Peacham’s cemeteries to be sacred ground, a place of peace, as well as scenic, historic areas to walk or meditate.

For these reasons, we hope when you come to a cemetery, you pause to respect the multiple attributes of our cemeteries and, most importantly, to comport yourself with the quiet dignity that honors the dead – and to respect the living who come here to remember, commemorate, and mourn their loved ones.

To carry out this vision as well as other policies and state law, the Town of Peacham manages its cemeteries through a Cemetery Committee, Sextons, volunteers, and hired contractors (collectively “**workers**”), which in turn are overseen by the Town Select board. Upon the recommendation of Peacham’s Cemetery Committee, the Peacham Select board has adopted and established this set of Regulations and Policies (“**Policies**”) – which may be amended from time to time. All former rules and regulations are repealed and replaced by the most recently fully signed version of these Policies. For ease of reading “burial rights” and “lot” may be used together or interchangeably.

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SECTION A. Introduction and Definitions

1. State laws. These Policies are empowered by certain Vermont state statutes that pertain to municipal cemeteries, as well as state health regulations that pertain to burials, water quality, and public health. The statutes that directly address municipal cemeteries are found at 18 V.S.A. Chapter 121, §§5300-5579, together with portions of 18 V.S.A. Chapter 107, §§5200-5229. These statutes can be easily found online at <https://legislature.vermont.gov/statutes/> then click Title 18 (Health) and scroll to the applicable chapters and sections.

Reference is made to the statutes for definitions, authority, and discussion of various topics such as “perpetual care funds,” “disposition of remains,” the “sale of lots,” “natural burial ground,” and so forth. To remain consistent with state law, these Policies may refer to the relevant section of the statute instead of attempting to restate it.

At this writing, Peacham does not have “Cemetery Commissioners” pursuant to 18 V.S.A. §5373, however it does have an active “Cemetery Committee,” the members of which are annually appointed by the Select board of the Town. “**Committee**” shall mean the Peacham Cemetery Committee. The cemetery budget is annually prepared by the Committee and its final determination made by the Select board as part of the overall Town budget which is voted on at each annual Town Meeting in March.

2. Cemeteries. Peacham has four municipal cemeteries:

- (A) the historic Old Burying Ground of 0.74 acre at 270 Old Cemetery Road;
- (B) the historic Worcester Cemetery of 0.24 acre at 300 Worcester Road;
- (C) the historic Peacham-Groton Cemetery of 0.25 acre at 1401 Great Road; and
- (D) the only currently active (as well as historic) 20.4 acre Peacham Hill Cemetery (“**Main Cemetery**”) at 101 Academy Hill Road across from the original Town Green.

There may be other family burial grounds on private lands, but these generally do not fall under town government jurisdiction.

Most of the burial options and procedures described in these Policies pertain to the currently active Main Cemetery on Academy Hill Road.

3. Access to and From the Main Cemetery. The drivable entrance to the Main Cemetery is from Academy Hill Road on the northwest side of the cemetery. The exit is

the same as the entrance. Or when there are services or gatherings, the exit shall be downhill then along the lane that extends in a northerly direction along a lot of land owned by the Town of Peacham (formerly of Kempton, then conveyed to the Town by the Vermont Land Trust by deed dated 6/20/2007 recorded in Book 60, Page 296 of the Peacham Land Records) then turning northwesterly to exit on the driveway which serves the Academy Apartments (currently owned by Peacham Community Housing).

The Town is benefitted by and subject to an Access Easement to utilize this driveway for seasonal use to circulate maintenance and burial vehicles, funeral attendees, and for emergency access. For its location, purposes, and covenants, please refer to the actual Access Easement which was conveyed by Peacham Housing Limited Partnership to the Town of Peacham and the Peacham Historical Association, Inc. dated 10/16/2015 and recorded in Book 67 at Page 569 of the Peacham Land Records.

4. Exceptions. The Cemetery Committee may, in exceptional circumstances, allow minor exceptions to the strict interpretations of any of these Policies. Such exception shall in no way create a binding precedent nor shall it be construed as affecting the general application of interpretation of any rule.

5. Contributions. Peacham tries to keep its fees affordable, however fees and the Town's interest from its Perpetual Care fund don't cover the costs of maintenance as much as is needed. If you are moved to generosity, we do appreciate donations at any time, or legacy bequests through one's will or trust. Donations to the "**Town of Peacham**" with "**Cemeteries**" in the memo are tax deductible so long as they are freely gifted (consistent with 26 U.S. Code §170 regarding charitable gifts), and allowed to be expended for the most part in the discretion of the Committee, subject to Town Select board oversight.

Use of donations include the care, reconstruction, repair, maintenance, improvement, landscaping, and beautification of all or any portion of cemetery grounds, monuments, or structures, or for any purpose necessary in the execution of the Committee's duties. Unfortunately gifts for specific gravesites or trusts for specific gravesites cannot be accepted or maintained by the Town, however the Town can receive and hold money in trust in its general Perpetual Care Fund. (18 V.S.A. §5436.)

SECTION B. General Rules of Conduct

1. Conduct. First and foremost, cemeteries are sacred places to those who use them to honor loved ones or the history of those interred. All other activities in the cemeteries are subordinate to this purpose. For that reason we require all visitors to conduct themselves according to the following rules to show respect to both the living and the dead, as well

as to the various workers caring for the property. On any cemetery land, please abide by the following.

- (A) If you drive inside the cemetery, please drive very slowly (no more than 5.m.p.h.), remain on designed roadways, and always defer to signage, orange cones, and cemetery or funeral workers' directions. At all times, yield to all pedestrians and refrain from using your horn. Never operate or park a vehicle upon or across any grave, lot, or lawn except by express permission of the Sexton or Committee.
- (B) When bringing flowers or other decorative vegetation, please do not leave glass or ceramic containers or other breakable ornaments behind. Glass and ceramic shards, and other materials such as wire or plastic, quickly become hazards to workers and other visitors, and can damage maintenance equipment. Please refrain from leaving knick-knacks, decorations, solar lights, food, and sundries other than flowers and similar vegetation. Workers may choose to remove items that could be hazardous, especially if they could obstruct or be thrown by a mower, or could break into shards or splinters with freezing and thawing, or that could attract vermin. Invertible in-ground receptacles are strongly recommended for fresh-cut flowers.
- (C) Snowmobiles and ATV's are prohibited unless the Town Selectboard and Committee mutually agree to allow another town committee or a club or nonprofit entity to install, host, and maintain a trail that can be distanced from all burial areas. Notwithstanding the foregoing, Peacham Pathways under the direction of the Town's Conservation Commission, may offer walking paths to the public by maps and similar directions to and through the Main Cemetery using cemetery roadways.
- (D) Please don't picnic, litter, or play recreational games in the cemetery. Although pedestrian activities are welcome, cemeteries are not parks. See the introduction to these Policies and Section B. 1 above. Likewise, please refrain from loud talking or shouting, ringing of mobile phones, or other noise – especially within hearing distance of funeral services, interments, or other visitors. If you walk with music or podcasts, please use ear pieces or headphones.
- (E) Dogs are discouraged. If you choose to walk one, you must keep it under your control at all times, preferably by leash. Please don't allow them to relieve themselves anywhere near headstones, monuments, or burial areas, and promptly pick up their waste and pack it out to dispose at home. Dogs running loose may be removed or impounded at any time; if it's yours running around, please leash it.
- (F) Alcoholic beverages, smoking, and recreational drug use are not permitted unless for genuine ceremonial purposes. Discharging firearms or weapons of any kind, or

displaying them or reproductions of them, are prohibited, except by military escort accompanying a veteran's funeral or similar memorial service. That being said, small group activities organized by the Peacham Historical Association or other nonprofit or town committee for purposes of education, research, art, and nature study, may be allowed, provided they schedule and receive prior permission from the Committee or Sextons, and the activities are otherwise consistent with these Policies.

- (G) Please do not attempt to clean headstones or monuments in any way. Historic stones are more fragile than they appear. Cleaning agents, or the actions or rubbing or brushing can permanently damage the engravings and the stone itself. For this reason historic headstone rubbings are also discouraged. The Town has the historic headstones professionally cleaned on a rotating basis every few years. If you feel the need to cut vegetation near a grave, please do so with small hand tools. Motorized string trimmers or hedge clippers are prohibited because they can permanently damage headstones and monuments.
- (H) Please do not add, install, or remove, mar, destroy, or injure in any way, any plantings, fence, bench, structure, veteran's marker, monument, or memorial. Landscaping and beautification are the responsibility of the Committee.
- (I) There shall be no advertising or selling of any kind, whether by signs, flyers, or actions such as vending or pedaling; neither shall there be any solicitation of goods or services.
- (J) No artificial light or lighting of any kind shall be permitted except on vehicles entering the cemeteries for cemetery business. Temporary exceptions may be made with the written permission of the Committee. A temporary exception should not be construed as a change to these Policies. Candles must be extinguished or removed with the departure of the person(s) who placed them.
- (K) Vehicles delivering vaults shall park out of sight or in an inconspicuous location during funerals. No casket, urn, or unburied human remains shall ever be left unattended.

2. Cemetery dates and hours. Cemetery hours are sunrise to sunset from Memorial Day to October 30th. No one is permitted in the cemeteries at any other time except workers or others by prior permission of the Committee. Walkers enter at their own risk due to hazards of blown-down branches, trees, or surfaces slick with rain or ice.

SECTION C. Burial Rights

1. **Fees.** The Town's fees related to burial sites are reviewed by the Committee annually. Contact the Sexton for most recent fees and forms. Keep in mind you will likely incur expenses separate from the Town's for funeral and other interment related services.

(A) The purchases of burial rights or lots in Peacham cemeteries are intended to primarily benefit Peacham residents. Fees shall be lower for residents than non-residents. For purposes of these Policies,
(i) a "resident" is defined as a person whose name is on the current voter checklist, or who would otherwise be eligible to vote in Peacham, or legal spouse of a resident, or such a resident's child who has not reached the age of 21; and
(ii) a "non-resident" is defined as a person who owns real estate in Peacham and pays property taxes on it, but does not meet the residency requirements to vote in town; or it may be a person who can provide evidence they were a former "resident" of Peacham.

(B) With prior permission of the Town Select board in its discretion while taking into account the Committee's recommendation, a "nonresident" who is a parent, child, or sibling, or common-law spouse of a Peacham resident, or of the same type of relation of someone who is already interred in a Peacham Cemetery, may purchase burial rights.

2. **Burial Rights.** All arrangements and requests must be in writing and accomplished using standard forms provided by the Town. The deed or certificate of burial rights and these Policies (subject to any amendments thereto) shall be the sole agreement between the Town and the holder of the deed or certificate of burial rights. The statement of any worker, unless confirmed in writing by the Town, shall in no way bind the Town.

(A) Burial rights refer to a deed or certificate for the right to interment in a particular area or specified lot consistent with these Policies. Actual land, air, soil, other natural resources, or other real estate or property rights are not sold, conveyed, or included in any lot or burial rights in Peacham. No cemetery land or lot can be mortgaged or pledged as collateral, or encumbered in any way. (18 V.S.A. §5316).

(B) A purchaser must complete an application and make sure the Town receives payment in full prior to (i) any interment, or (ii) within fourteen (14) days of completing the application, whichever is sooner. Otherwise fees may change or the lot may be sold to another party.

- (C) Burial rights shall not be issued for the purpose of spaciousness.
- (D) Burial rights cannot be sold or transferred to another person except by inheritance. However burial rights or lots may be gifted or transferred back to the Town of Peacham. The Town of Peacham does not reimburse or repurchase burial rights or lots.
- (E) The burial rights conveyed shall be the sole and separate property of the person or persons named in the deed or certificate. However the current spouse shall have a vested right of interment of their body in any burial lot conveyed to the other spouse, unless the deed or certificate specifies otherwise, or unless the spouse was responsible for the death of their spouse.
- (F) Upon the death of the owner of burial rights, the person or persons who inherit either an unused lot or partial remaining burial rights to a lot by means of a will or trust of the decedent, or intestate rights of heir(s)-at-law – no later than five (5) years after the decedent’s death – must file with the Town of Peacham either a Decree of Distribution from a Probate Court, and/or Affidavit demonstrating proof of the inheritance, along with the name and full contact information of the new owner(s) of the burial rights or lot. See 18 V.S.A. §5531. Such documentation must be filed at the office of the Town Clerk, signed by at least one of the heirs-at-law, or in the case of minors by their other parent or guardian. The Affidavit must append a list of the name and contact information of the new owner or all of the new owners, and it shall designate who shall be authorized to sign orders for interments in the lot and to give all directions regarding the lot and burial rights of the current owner(s). No burials shall occur in an inherited lot without the proper identification of ownership or written legal documentation. Any owner is responsible for updating the Town of Peacham with any change in their address and contact information.
- (G) In the event an owner is unknown, or an owner’s whereabouts are unknown of an unoccupied burial lot for twenty (20) years, see 18 V.S.A. §5532-5537 or successor statute for the process to arrange to the title of such lot to revert back to Town ownership.

SECTION D. Procedures, Permits, and Forms

1. To purchase burial rights, the purchaser must sign an Application for Purchase of a Lot affirming the purchaser is aware of the location of the involved lot(s), is agreeing to abide by the present and any future updated or revised cemetery laws or Regulations and Policies. The purchaser must also cause full payment to be received by the Town of Peacham Clerk/Treasurer within either fourteen (14) days of meeting with the Sexton or other cemetery worker to choose the lot, or prior to any interment,

whichever is sooner. Otherwise the Town is under no obligation to reserve the lot, and it's possible that fees could change.

2. Burial Transit Permits are required by law. Cremation certificates also must be attached to burial transit permits. No cremains will be accepted for burial unless the cremation certificate is presented to be attached to a burial transit permit, except by permission of the Sexton or Committee.
3. An inurnment/disinurnment and/or removal order must be completed in full and submitted prior to an inurnment/disinurnment and/or removal being permitted. Transit Permits are required for removals.
4. It is the obligation of the holder of the deed or certificate of burial rights to notify, in writing, the Peacham Town Clerk of any change in mailing address, email address and phone number. For any legal notification by the Town, notice mailed or emailed to the deed or certificate holder at the last address or email address on file in the Peacham Town Clerk's Office shall be considered sufficient and proper.

SECTION E. Standard Burial Lots

1. Perpetual care refers solely to maintaining the cemetery groundcovers, maintaining access to the town cemeteries, and discretionary landscaping maintenance. (This also applies to the Cremation Garden and Natural Burial Area.)
2. General care shall in case mean the responsibility, maintenance, repair, replacement of any memorial, foundation, corner marker or monument placed or erected upon any lot. By purchase of a burial right, the owner agrees that all monuments, gravestones, markers, plaques and memorial structures of any kind shall be set and maintained at the owners' risk, and that Peacham Cemeteries and its workers shall be held harmless from any liability due to any damage, destruction or injury caused by the elements, acts of nature, pollution, thieves, vandals, malicious mischief makers, explosions, unavoidable accidents, non-town workers, invasions, insurrections, riots, orders of the military or civil authority, federal or state condemnation or eminent domain, whether the damage be direct or collateral.
3. In-ground flowers or low vegetation may be planted within one foot of the headstone not to exceed the width of the headstone's base. No other plantings or appurtenances are allowed on any cemetery lot unless installed at the direction of the Sextons or Committee in the Committee's sole discretion. In the event such in-ground vegetation becomes unsightly, overgrown, invasive, or in any way a detriment or source of contention, such vegetation may be trimmed, pruned, destroyed, or removed with no liability to the Town or its workers.

4. The Town and its workers have the authority, with no liability, to remove all decorations or herbage of any kind which have become unsightly or not in compliance with these Policies. (See Section 1.B above.) The Town and its workers are not responsible or liable to anyone for floral arrangements, plants, containers, or other items left in a cemetery that have become lost, misplaced, disturbed, stolen, or broken. Again, glass, ceramic, and wire containers are prohibited. Invertible in-ground receptacles are recommended for fresh cut flowers.
5. In the event workers don't remove decaying flowers, weeds, or blown-down branches as quickly as you'd like from graves you visit, feel free to remove them yourself; however, leave other people's fresh flowers, invertible in-ground containers, and all veterans' flag markers intact and in place. Likewise, please do not alter the living landscaping of the cemetery without prior written permission of the Sextons or Committee.
6. No scraped ground and/or mounded graves are permitted with standard burials.
7. The Town reserves to itself and to those lawfully entitled thereto, perpetual rights of ingress and egress along, to and from lots for the purpose of passage to and from other lots, provided such passage is accomplished in a careful, respectful, non-destructive manner consistent with Section B and other provisions of these Policies. (This also applies to the Cremation Garden and Natural Burial Area.)
8. The Town of Peacham and its workers shall not be responsible for any order or arrangement made over the telephone, or for any mistake occurring from the want of precise and proper instructions as to the particular space, size or location of any grave, lot or memorial. (This also applies to the Cremation Garden and Natural Burial Area.)

SECTION F. Standard Burial Infrastructure

1. Every interment of a casket shall be made within a one piece vault with cover, both of concrete; a similar material may be used if pre-approved by the Committee.
2. All standard burial lots are 7' X 12' and shall have corner markers in place before any memorial is placed upon the lot, and before any interment takes place in the lot. Such markers shall be set at the direction of the Sextons. The material, size, and type of such markers will be at the direction of the Committee which currently requires stone.
3. Above-ground monuments must have proper foundations. Excavation and building of the foundation must be carried out so that no part of the foundation will be smaller

than the surface of the dimensions of the base to be set upon it. Foundations must be in place and properly cured before the monuments to be set upon them are permitted into the Cemetery grounds. All foundations will be at least 4 feet deep underground unless extenuating circumstances prevent said depth. The form or frame shall be cut flush to the ground and removed. Monuments and their foundations and maintenance are the owner's or deed/certificate holder's responsibility and risk.

The Town through its Committee or Sextons reserves the right to designate how the work will be accomplished and who will accomplish it, which is typically an insured and certified monument creator or company. All empty excavations, including foundation and grave excavations, when left unattended, shall be marked and covered with plywood to prevent anyone or anything from falling in. (This paragraph also applies to the Cremation Garden and Natural Burial Area.)

4. The excavation and pouring of all foundations shall be scheduled at the direction of the Committee or Sextons. All joints on monuments shall be sealed against moisture with non-staining material on clean, dry surfaces. No foundations shall be built, or monuments set, when the weather and temperature conditions are such that damage from frost and other conditions cannot be guaranteed to be prevented. The bottom of every monument, base, or marker shall be dressed to an even level bottom bed so that it will stand plumb, resting firmly and level.
5. All memorials/monuments will be constructed of granite, marble, fieldstone or other stone. Added or inlaid non-stone items such as memorabilia or photographs, and artificial coloring on stone is prohibited. (The latter also applies to the Cremation Garden.)
6. No monument, corner markers or burial shall be installed on any lot for which there has not been issued a deed or the burial rights have not been paid in full.
7. Mausoleums or tombs or any other structure (other than headstone monuments or corner markers) either wholly or partially constructed above the ground are not permitted unless built and installed by the Committee.

SECTION G. Natural Burials

1. **Preface about natural burials.** Natural burials can be more economical than standard burials but they are not necessarily trouble free or appealing to everyone. These burials allow bodies to decompose naturally, enriching the soil in an ecologically-friendly way. For this reason, some common burial practices such as embalming, vaults, caskets, cremations, and even grave markers are unsuitable for Peacham's Natural Burial Area. Yet it can be a beautiful, tranquil place full of life in

the form of a meadow, hayfield, wildflowers, or layered with plants, trees, pathways, birds and other wildlife.

2. **Conditions.** Bodies to be interred shall be buried as soon as possible after death, usually within one to four days. A funeral home may help you with cleaning the body and cold storage or you may have the means to care for your own dead at home until the burial. Remains that have already decomposed through aquamation or human composting process will be accepted in the Natural Burial Area. Embalmed bodies and cremated remains will not be accepted.
3. **Shrouds or containers.** No burial container is required. The body shall be securely contained in either a shroud, quilt, or blanket of natural-fiber fabric, or if desired, a biodegradable basket, or non-toxic cardboard box made for this purpose. Bodies may be carried and buried on a stretcher or board so long as it is natural, unfinished wood, not plywood or a compressed wood materials. Plan to use biodegradable ropes for lowering the body. (*Natural pine boxes are allowed when necessary for religious reasons but they shall be as thin and close to the body as possible to hasten the decomposition process and to help prevent ground subsidence.*) No concrete, metal, plastic, ceramic, or other non-biodegradable containers, parts, or body decorations may be used (although dental fillings, prosthetic devices and similar materials contained in the body are acceptable).
4. **Transporting the body.** In addition to a burial transit permit, you will need to arrange for enough sufficiently strong pallbearers to safely carry the body and lower it into the grave. Family and friends have the option of filling in the grave, or not. Mourners should understand that there is uneven ground and wear appropriate footwear. The Town and its workers are not responsible for any injury as a result of services on cemetery property.
5. **Lots.** Interments will be sequential in locations determined by the Committee and Sextons. Burial locations usually cannot be reserved or otherwise selected prior to the immediate need. However, adjacent sites to a particular burial may be purchased and reserved for burial of a spouse or partner, or parents of a child being buried. Although Vermont law does not require natural burial lots to be surveyed, the Committee currently prefers to do so with survey markers installed at corner areas.
6. **Markers.** Flowers, plant materials, and memorial objects will be allowed to remain on the grave for two weeks. After that, plant material will be disposed of or composted. Family members should retrieve any objects of sentimental or other value before that time, or should not expect to recover objects. The Town is not responsible for items left on cemetery grounds. The Town shall place a stele, pillar, or similar monument or sculpture within or near the Natural Burial Area that can record who is buried in the area. The stele will contain bronze plaques of a standard size containing

the name, dates of birth and death of the deceased. The Town Sexton will order and install the stele. No other markers or monuments are allowed. Plantings are generally not allowed on specific burial sites except as part of the overall landscaping plan, and must have the prior permission from the Committee before planting.

7. **Nature does its work.** Disinterments are considered irretrievable. The spouse or heirs-at-law must sign a waiver attesting to their understanding that the body should not be moved unless ordered by the State. Because Vermont's soils are so acidic, decomposition can be relatively quick and complete within twenty years. Although the Town does not anticipate it, the Town reserves the right to reuse burial sites in the future at its discretion.


SECTION H. General Provisions

1. All interments, disinterments, and removals are subject to these Policies as well as to the orders, permits, regulations and laws of the Town of Peacham, Caledonia County, and State of Vermont.
2. Once a deceased body is within the confines of Peacham Cemeteries, no person (including family, funeral director, or embalmer) shall be permitted to open the container or shroud, or touch the body without the consent of the legal representatives of the deceased, or a court order.
3. The Town and Committee reserves, and shall have, the right to correct any errors that may have been made, either in making interments, disinterments, or removals, or in the description, transfer or conveyance of any burial lot, either by canceling such conveyance and substituting and conveying another lot of equal value and similar location as much as possible in lieu thereof, as may be selected by the Committee or Sextons, or by refunding the amount of money paid an account of such purchase, or correcting or amending the legal description of such lot or its location.

These Policies were revised and approved by Peacham Cemetery Committee on October 1, 2023 and recommended to the Town Select board.

Signed: 
[print name] _____, Committee Chair

These Policies were approved and adopted by the Town of Peacham Select board at a regular meeting held February 7, 2024.

Signed:  _____
[print name] , Select board Chair