

**CEMETERY
REGULATIONS
TOWN OF HOOKSETT
NEW HAMPSHIRE**

ADOPTED: January 1, 2024

REVISED: _____

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The Cemetery Regulations are for the mutual protection of the Town of Hooksett, Hooksett Cemetery Trustees, Cemetery Right to Inter Holders, Lot Owners, and the general public. Per NH RSA 289:7, 1 (a), the Hooksett Cemetery Trustees reserve the right, at any time, to amend, alter, repeal, modify, or make an exception to these rules and regulations as circumstances demand.

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

**Hooksett Cemetery Commission
Hooksett Municipal Building
35 Main Street
Hooksett, New Hampshire 03106**

E-mail: HooksettCemeteryCommission@gmail.com
Website: <https://www.hooksett.org/cemetery-commission>

Town of Hooksett, New Hampshire
Municipal Cemeteries

Active Municipal Cemeteries

There are two Active Municipal Cemeteries that are open for public visitation. The cemeteries are closed from the first snowfall or when frost prevents opening graves to a time in the spring when the Trustees determine the grounds are firm enough for vehicular traffic and frost is out of the ground.

MARTINS CEMETERY

HEAD CEMETERY

Inactive Municipal Cemetery

There are two Inactive Municipal Cemeteries that are open for public visitation. Any future interments are limited to members of the named families.

DAVIS CATE CEMETERY

RIVERSIDE CEMETERY

Private Cemeteries and Burial Grounds

NOT ADMINISTERED BY THE HOOKSETT CEMETERY COMMISSION

CEMETERY REGULATIONS HOOKSETT, NEW HAMPSHIRE

REGULATIONS GOVERNING THE FOLLOWING CEMETERIES:

Active Municipal Cemeteries: Head Cemetery and Martins Cemetery
Inactive Municipal Cemetery: Davis Cate and Riverside Cemeteries

SECTION 1: PURPOSE AND INTENT

The following regulations are hereby established for the mutual protection of lot / rights of interment owners and the cemeteries as a whole. Persons visiting and contracted to work within the cemeteries will be expected to abide by such regulations as herein enacted and as hereafter amended, which are intended to assist in maintaining these cemeteries.

These Regulations shall also apply to lots sold by deed prior to the adoption of these Regulations.

SECTION 2: AUTHORITY

These Regulations are established by the Cemetery Trustees in accordance with RSA Chapter 289, RSA Chapter 290, RSA Chapter 635, RSA 561:1, RSA 31:19-22a, RSA 485 - A29. They may at times be amended, for the operation and maintenance of all cemeteries owned and/or maintained by the Town of Hooksett.

SECTION 3: DEFINITIONS

CEMETERY TRUSTEE - Elected by ballot at Town Meeting and are responsible for the care and maintenance of the four municipal cemeteries in town. Cemetery Trustees establish regulations for the care, protection, preservation, and use of the cemeteries as well as prepare an annual budget, prepare the right to inter documents for cemetery lots and arrange for appropriate maintenance of the cemeteries. There are three elected cemetery trustees and up to two alternate trustees who can be appointed per NH RSA 289:6.

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

CORNER STONES - The owner may have four granite posts placed flush to the ground as marked by the Trustees to the dimensions of the owner's lot/plot. This should be done as soon as possible after the purchase of the lot/plot. Exception: Corner stones may not be placed on cremation lots.

CREMAINS - The ashes of a cremated human body.

DEED - Deed issued transferring a limited right to legally inter remains in a specific lot to a purchaser for a fee. Deeds were the form of transfer prior to the adoption of these updated regulations. The deed does not convey ownership of the real estate, it does give the right to inter in the lot/plot and right to place a marker or monument.

GREEN BURIAL - The set of body preparation, funeral, and burial practices that allow a body to decompose naturally (no embalming) in a site specifically set aside for this type of burial. Hooksett Cemeteries do NOT allow green burials.

INTERMENT - The permanent disposition by burial of the body or cremation.

LOT - Full size: The space required to accommodate an adult casket and three cremains;
Cremation: the space required to accommodate up to two cremains.

LOT OWNER - Person(s) who holds a valid deed or right to inter.

MARKER - A footstone or headstone that lies flush with the ground.

MONUMENT - A headstone of approved material that extends above the surface of the ground.

PLOT - Shall apply to two or more contiguous lots.

REGULATIONS - Town of Hooksett, New Hampshire Cemetery Regulations, per latest revision.

RIGHT TO INTER - Right to a lot/plot for the interments allowed by these Regulations.

SECTION 4: GENERAL REGULATIONS

A. Administration

All business pertaining to cemeteries shall be processed through the Cemetery Trustees, Town of Hooksett, NH 03106. Direct contact can be made to the Cemetery Trustees as listed in the Town records or at a scheduled Cemetery Trustee meeting as posted.

B. Cemetery Hours

The cemeteries are open from sunrise to sunset. They are closed for burials and vehicles from the first snowfall and/or in ground frost, to a time in the spring when the Trustees determine the roads are firm enough for vehicular traffic. The cemeteries may be closed to the general public if any conditions within the cemetery grounds become hazardous, including ice and snow. The cemetery will not be used for recreational purpose. Cemeteries are not maintained for public access during winter months.

C. Loss or Damage

Damage done to lots, walks, drives, trees, shrubs or other property by visitors, lot owners, funeral directors, next of kin or designated agent, dealers, contractors, or their agents shall be repaired by same.

D. Sole Agreement

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

SECTION 5: LIMITS OF MUNICIPAL LIABILITY

The Trustees shall take reasonable precautions to protect cemeteries 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: CEMETERY VISITORS

- A.** Visitors will respect the privacy of persons visiting gravesites. Vehicles must remain on paved surfaces only.
- B.** All visitors are prohibited from gathering flowers, either wild or cultivated, cutting trees or shrubs, or defacing or otherwise damaging memorials or structures. The disposal of trash, flowers, containers or any other debris is prohibited within or adjacent to cemeteries. Carry in - carry out.
- C.** Dogs must be leashed at all times and owners shall clean up after your dog. No off-highway recreational vehicles or horses shall be admitted to the cemeteries.
- D.** The cemeteries are open to the public, but unsupervised. Visitors assume any risk for accidents and damage, whether direct or collateral, that may occur. The Cemetery Trustees attempt to avoid loss or damage within the cemeteries, but disclaim any and all responsibility for accidents or the actions of persons not within the Trustee's control.
- E.** Gravestone rubbings are not permitted in any of the Hooksett cemeteries.

SECTION 7: LOT SALES

Upon adoption of these Regulations, the sale and purchase of cemetery lots 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 lot 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 should submit to the Trustees a written list of names of those authorized to be interred within the lot. If the purchaser makes no designation, then by default these authorized persons include the lot owner, his/her mate at the time of his/her death, and his/her children, subject to the capacity of the lot, State Statutes and these

Regulations. Only the current owner of the lot may designate or alter an existing designation, and must do so in writing to the Trustees. For further details on ownership see Section 9.

- C. Burial rights can only be sold to a current or former Hooksett resident. However, persons authorized to be interred within the lot(s) by the purchaser are not so restricted.
- D. A Certificate of Right to Inter will be issued by the Town Administrator when the total sale price is paid in full.
- E. No interment may occur and no foundations, markers, or stones may be placed upon a lot/plot until it is paid for in full.
- F. For rights to inter, a cemetery lot is defined as:
 - 1. Full Size Lot
 - a. One full burial plus three cremation burials; or
 - b. One full burial plus one infant burial.
 - 2. Cremation Lot: Up to two cremation burials.

G. Prices:	Full size lot (Rights to Inter)	\$500
	Cremation lot (Rights to Inter)	\$300
	Right to Inter an additional cremation burial (max. two more) on a Full size lot purchased prior to these regulations being approved	\$200.

- H. All lots and all non-lot areas within the cemetery are maintained under the responsibility of the Trustees. Maintenance is limited to raking, mowing and seeding of lots 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 by the cemetery. In no case shall the Trustees be responsible to maintain, repair, or replace any monument, marker, or mausoleum erected or placed upon a lot, nor perform any special or unusual work in the cemetery. However, the trustees reserve the right to repair monuments, markers, curbing, or mausoleum when they determine it is needed.
- I. 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 graves or cremation spaces at the original price.

SECTION 8: LOT / 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 lots, as well as other matters relating to their ownership.
- B. On the death of an owner of the lot, the heirs or devisees of such person should file with the Trustees 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.

- C. No person shall be considered as the rightful owner of any lot unless he/she shall be in possession of a duly executed Deed or Certificate of Right to Inter signed by the authority having jurisdiction. The records of the Cemetery Trustees shall be considered as final in determining ownership of any lot or plot. The Trustees reserve the right to make an interment of any member of the immediate family of the lot owners upon their own authorization. No other person may be interred in any plot without proof of ownership or written consent of the owner.
- D. It shall be the duty of the lot owner to notify the Trustees of any change in address.
- E. Notice sent to the lot owner at the last address on file with the Trustees shall be considered sufficient and proper legal notification.

SECTION 9: LOT/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 Hooksett. Resale of interment property to the Town shall be for the same sale amount as originally paid for the interment property, returned to the owners or heirs.
- B. After completing the noticing required by RSA 289:18, as amended, the Trustees may declare forfeiture of unused lots meeting the stated conditions. Lots so forfeited may be resold.

SECTION 10: INTERMENTS/DISINTERMENTS

- A. When an interment is requested, the applicant must provide a completed Grave Opening Request, proof of ownership, and/or proof of right to inter. In the instance of a pre-existing lot 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 lot 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 lot 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 approval by the Trustees. A minimum notice of 48 hours shall be given for an interment. The Trustees reserve the right to postpone interment time due to acts of God, nature, weather, and civil and national emergencies.
- C. Interments will not be made from the first snowfall or when frost is in the ground to a time in the spring when Trustees determine the roads are firm enough for vehicular travel, 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.

- D. The Hooksett Parks, Recreation & Cemetery Division staff shall do all interments, including cremains, under the supervision of the Trustees.
- E. The funeral director, next of kin, or designated agent shall present all burial documents and payment to Town staff prior to or upon arrival in the cemetery.
- 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 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. A funeral director, next of kin, or designated agent, shall provide all burial services. Services may include artificial grass, lowering devices and any other materials and/or equipment associated with the burial ceremony.

SECTION 11: GREEN BURIALS

Green burials currently are not allowed in the Hooksett cemeteries. The Hooksett Cemetery Trustees are monitoring the desires of owners and future owners of lots and rights to inter for having a green burial option and will update these regulations when desires make the change prudent.

SECTION 12: 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(s) 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 body interments shall be enclosed in a concrete or steel vault.
- E. Cremains shall be interred in a container. An urn vault is not required.
- F. No monument shall be erected until a suitable foundation is laid. All foundations for monuments and markers shall be no less than 4 feet in depth. Deeper foundations will be used when deemed advisable by the Trustees.

G. Monuments and Markers:

1. On a full size lot(s) are allowed:
 - a. A flush marker not exceeding 12" X 24" and/or
 - b. One monument per lot with a base not exceeding 30" wide by 12" deep by 6"/8" high and the monument 26" in total height and 24" wide (unless one of the joint monument options below is utilized). Remaining lot interments shall utilize a flush marker if a marker is desired.
 - c. Two or more adjacent lots may have one joint monument, the base not to exceed 36" wide by 12" deep and 6"/8" high and the monument 26" in total height, and 30" wide and centered on the lots.
 - d. Four or more adjacent lots may have one joint monument with a base not to exceed 54" wide by 12" deep and 6"/8" high and the monument 30" in total height, and 42" in width and centered on the lots.
 - e. On a cremation lot(s) are allowed: A flush marker not exceeding 12" x 24"

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

I. Monument installation shall be by the owner's contractor under the supervision of the Cemetery Trustees.

J. Should any monument, memorial, mausoleum or tomb become unsightly, dilapidated, or a safety concern to visitors, the Town shall have the right to correct the condition.

SECTION 13: PLANTS, SHRUBS, FLOWERS, DECORATIONS

A. Faded or unsightly flowers, wreaths, baskets, etc. left on graves or lots are to be removed by persons who paced them. Trustees or cemetery staff may also remove them.

B. Planting of shrubs and trees is prohibited. Shrubs and trees, which were planted in the cemeteries prior to the adoption of these Regulations, will be left. However, existing plantings shall not hinder maintenance or the aesthetics of the cemetery or by means of its roots or branches become detrimental to the subject lot or adjacent lots or areas. The Trustees have the right to remove the said tree, shrub, or such parts thereof as deemed detrimental or dangerous.

C. The in-ground planting of flowers on lots with above ground monuments is allowed, but is limited to an area of 12 inches in front of the aboveground monument.

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

- E. No decorative landscaping stones, bricks, crushed stone, mulch, etc. will be permitted on any lot. It is not permissible to place fences, curbs, or other articles on any lot.
- F. The placing of sea shells, toys, ornaments, benches, breakable objects of any kind, will not be permitted on lots.
- G. The cemetery has the right to remove non-conforming items from any lot. Items will be left at the Donati Park maintenance building if people want to pick them up.

SECTION 14: CORRECTION OF ERRORS

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

SECTION 15: 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 lot 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 16: WAIVER

Upon written request, the Trustees may waive or modify the requirements of these Regulations 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 OF THE CEMETERY TRUSTEES AT A LEGALLY NOTICED MEETING.

Effective Date: January 1, 2024

CEMETERY TRUSTEES:

Michael Horne, Chairman

Kristen Kotrlik, Trustee

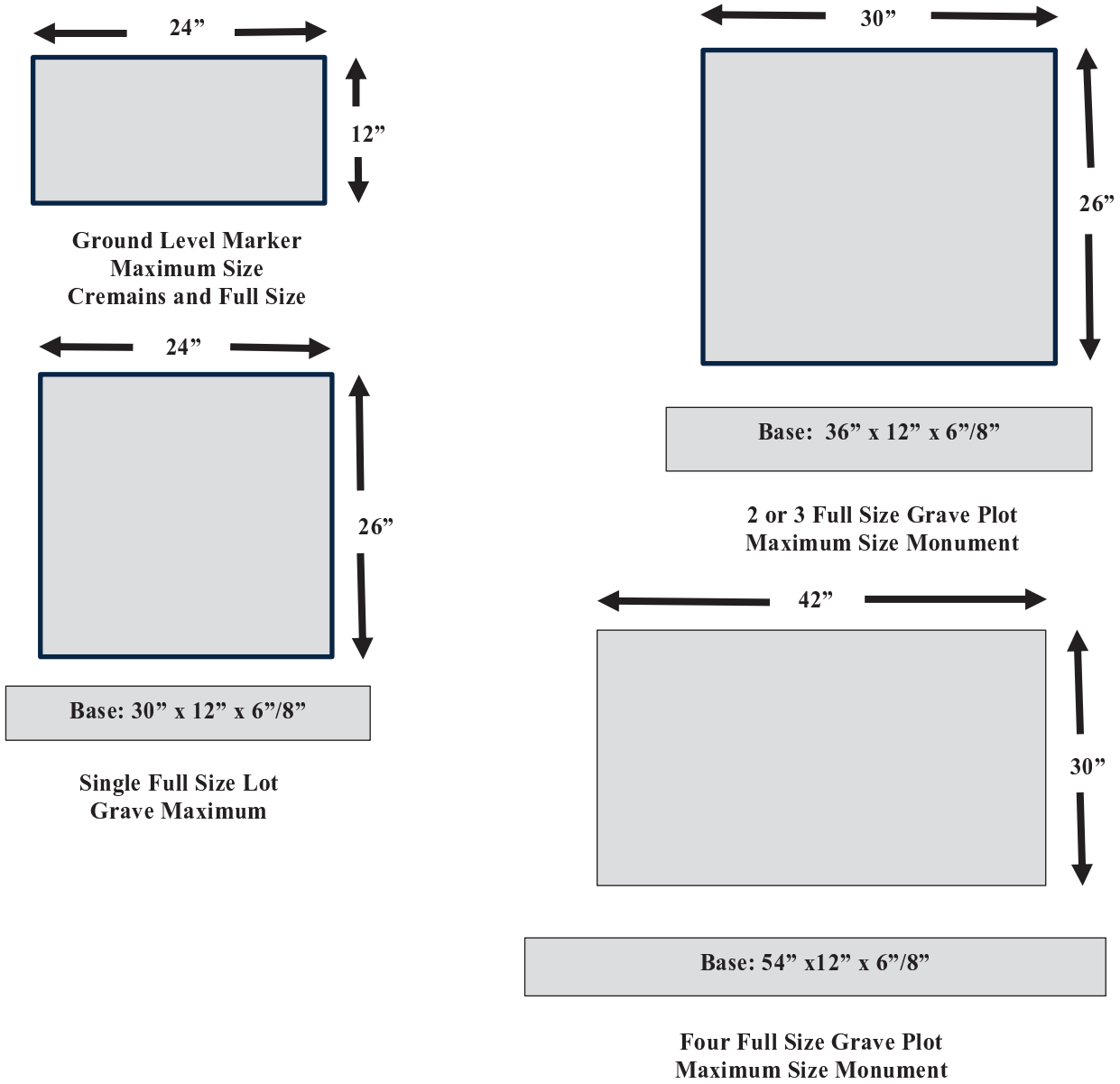
James Morin, Trustee

Nancy Philbrick, Trustee

Original Signatures on File

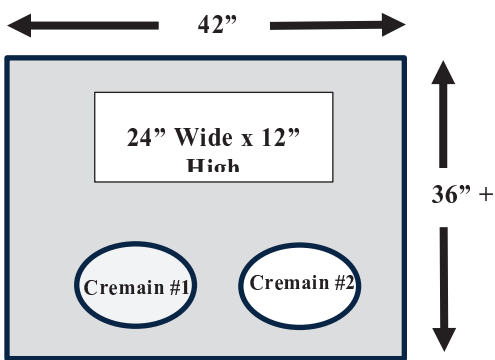
Appendix A

Monument and Marker Standards

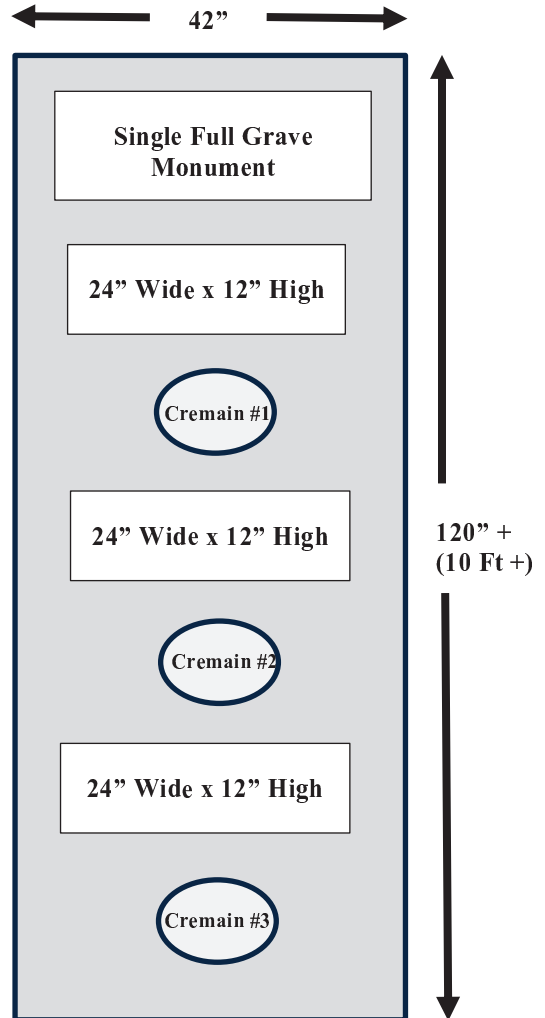


Appendix B

CREMATION & FULL BURIAL MARKER/MONUMENT & CREMAINS PLACEMENT



**Cremation Lot
Marker
&
Burial Placement**



**Full Lot Monument
&
Burial Placement**

Appendix C

Some Local Cemetery Monument Companies

***LeBlanc Brothers Monuments
(603) 622-4522***

***Manchester Memorial Company
305 Calef Road
Manchester, NH
(603) 622-9013***

***NH Monuments
(603) 738-5312***

***Perry Brothers Monument Company
253 Sheep Davis Road
Concord, NH
(603) 225-6721***