

# Green Cemetery Start Up Considerations Checklist

## General Green Cemetery Goals

- ◆ Allow for mourners to participate in or arrange burial and committal services so long as it doesn't conflict with state law or entity standards or protocols
- ◆ Abide by the legally enforceable instrument that runs with the property, as well as all local and state laws
- ◆ Enforce prohibitions on embalming with toxic chemicals, non-biodegradable containers, cement or plastic
- ◆ Limit use of herbicides, pesticides to those necessary to support sustainable practices
- ◆ Limit access to sensitive environmental areas on the property
- ◆ Support restoration efforts as necessary or as desired
- ◆ Allow sustainable agricultural activity, such as timber harvesting or sugaring
- ◆ Encourage community participation by volunteers, students, civic groups
- ◆ Encourage long-term stewardship

## Research and Planning Stage Suggestions

- ◆ Seek partners in your community
- ◆ Seek partners in key local and state agencies
- ◆ Seek partners in conservation organizations, land trusts
- ◆ Research Cemetery Laws in NH, starting with RSAs 289 and 290
- ◆ Research Department of Environmental Services requirements
- ◆ Research financial requirements, endowment requirements
- ◆ Research deed covenants
- ◆ Research local land use regulations, including zoning
- ◆ Determine type of entity that will be appropriate and sustainable
- ◆ Hire an attorney versed in cemetery and land use law
- ◆ Communicate openly with neighbors and abutters
- ◆ Commission independent soil, water and biology surveys
- ◆ Determine presence of endangered species of plants and wildlife
- ◆ Determine presence of cultural or historical resources and landmarks
- ◆ Seek written consent from Select Board and local Board of Health
- ◆ Create a plat (record of plots, pathways, etc.) and record with Town Clerk
- ◆ Create an easement for public access
- ◆ Form a Cemetery Association or Corporation
- ◆ Write By-laws, Governing Documents, Rules and Regulations
- ◆ File with necessary agencies

## Governing Considerations and Documentation

- ◆ State regulations
- ◆ Local land use restrictions
- ◆ Conservation easement that conforms to IRS Code Section 170(h)
- ◆ Roles and responsibilities of: governing board members, caretakers, volunteers, burial coordinators, groundskeepers, etc.
- ◆ Educational and recreational opportunities
- ◆ Financial goals and objectives
- ◆ Ecological goals and objectives
- ◆ Social goals and objectives
- ◆ Aesthetic goals and objectives
- ◆ Memorial features and markers
- ◆ Burial zones
- ◆ Guiding ethics
- ◆ Burial density
- ◆ Maintenance requirements
- ◆ Public access
- ◆ Phasing schedule
- ◆ Safety issues
- ◆ Liability exposure
- ◆ Insurance requirements

*The items listed above are for your consideration when formulating a proposal to approach an existing cemetery about setting aside a portion for natural burial, as well as for exploring the potential for a conservation cemetery site. It is offered solely as a place to begin the process and is not intended to be all-inclusive, or to act as a legal checklist of must-haves or must-dos. Please consult with your environmental or land use attorney for specifics. For more information about meeting Green Burial Council certification standards, go to [www.greenburialcouncil.org](http://www.greenburialcouncil.org).*