



PLAN FILED IN
TOWN CLERK'S OFFICE
DATE: *Dec. 15, 1932*
Edwin G. Grogan
TOWN CLERK

APPROVED BY
BOARD OF SELECTMEN
DATE: _____

BELMONT - MASS.

RESTRICTION ACCEPTED AT
TOWN MEETING
DATE: _____
ARTICLE: _____
TOWN CLERK

PLAN SHOWING
EXTENSION OF BELMONT CEMETERY
IN THE CITY OF
CAMBRIDGE, MASS.

Scale: 40 Ft. = 1 in. December, 1932
Office of Town Engineer, Belmont, Mass.

Plan	-----
Plan Number	-----
Folder Number	-----
Pocket Number	-----

EDWARD A. COUNIHAN, JR.
ATTORNEY AT LAW
910 BARRISTERS HALL, PEMBERTON SQUARE
BOSTON, MASS.

December 16, 1932

Mr. Albert T. Doyle,
Assistant Clerk of Committees,
City Hall, Cambridge

Dear Al:

I submit herewith a new description
in connection with the petition for approval of
the City Council of Cambridge for use of land in
Cambridge by the Town of Belmont for cemetery
purposes.

I submit herewith also plan of locus.

Yours very truly,

Edward A. Counihan

EAC/M
Encs.

DESCRIPTION

WESTERLY	by the boundary line between the City of Cambridge and the Town of Belmont, extending southerly from the southerly line of the present town cemetery, three hundred twenty-two (322) feet more or less to the line of a proposed street, as shown on plan hereinafter mentioned;
SOUTHWESTERLY	by the line of said proposed street, about twenty-four (24) feet more or less;
SOUTHERLY	by land now or formerly of Mary E.P. Skahan, eighty-four (84) feet more or less;
SOUTHEASTERLY	by other land of the Town of Belmont, two hundred nineteen (219) feet more or less;
NORTHEASTERLY	by said cemetery of the Town of Belmont, two hundred sixty-two (262) feet more or less.

Amended description of locus.



City of Cambridge

Massachusetts

*Copy
City Clerk*

JOSEPH M. WADDEN, M. D., CHAIRMAN
PROF. ELIE H. LAPIERRE
DAVID J. NELLIGAN

Office of Board of Health

JOHN D. CROWLEY, CLERK AND AGENT

S. B. KELLEHER, M. D. MEDICAL INSPECTOR

November 8, 1932.

Inhabitants of Belmont
c/o Edward A. Counihan, Jr., Atty.
910 Barristers Hall
Pemberton Square
Boston, Massachusetts

Dear Sir:

At a meeting of the Board of Health held November 1, 1932, your petition dated September 12, 1932, that the Board of Health of the City of Cambridge approve, in writing, the land described in said petition, for use for burial, was considered, and in accordance with the vote of the Board and the provisions of Section 34, Chapter 114 of the General Laws, you are hereby notified that the Board of Health of the City of Cambridge approves the use of said parcel of land for use for burial, on the expressed provision and condition that the Inhabitants of Belmont reserve along the southeasterly boundary line of said parcel of land a strip of land thirty feet (30') wide for the purposes of a road or passageway for its own use and benefit, said reserved strip of land to run the distance of two hundred and eight feet (208') - more or less - and no burials made therein.

Respectfully,
For the Board of Health.

John D. Crowley
Clerk of the Board.

JDC:CM

COPY

Cambridge, September 12, 1932.

TO THE HONORABLE THE BOARD OF HEALTH
of the CITY OF CAMBRIDGE

The undersigned Inhabitants of Belmont, a municipal corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, respectfully represents that it is the owner of a certain parcel of land in said Cambridge, bounded and described as follows:

WESTERLY

by the boundary line between the City of Cambridge and the Town of Belmont, extending southerly from the southerly line of the present town cemetery, three hundred twenty-two (322) feet more or less to the line of a proposed street, as shown on plan herein-after mentioned;

SOUTHWESTERLY

by the line of said proposed street, about twenty-four (24) feet more or less;

SOUTHERLY

by land now or formerly of Mary E. P. Skahan, one hundred fourteen (114) feet more or less;

SOUTHEASTERLY

by land now or formerly of the City Sand and Gravel Company, two hundred eight (208) feet more or less;

NORTHEASTERLY

by said cemetery of the Town of Belmont, two hundred ninety-two (292) feet more or less.

Containing 51,000 feet more or less, and being shown on a "Plan for Park and Playground Purposes in the City of Cambridge," dated January 25, 1924.

That said parcel of land is adjacent to the cemetery of the Town of Belmont,

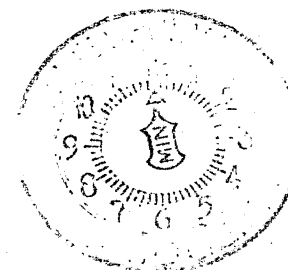
WHEREFORE your petitioner prays that the Board of Health of the City of Cambridge approve, in writing, the location of said parcel of land above described for use for burial, in accordance with the provisions of Section 34 of Chapter 114 of the General Laws. On the express provision and condition that the Inhabitants of Belmont, reserve along the southeasterly boundary line of the above described parcel of land a strip of land thirty (30) feet wide for the purposes of a road or passageway for its own use and benefit, and it agrees that it will reserve such strip of land thirty (30) feet wide along the distance of two hundred and eight (208) feet more or less as shown on plan and make no burials therein.

THE INHABITANTS OF BELMONT

By its Attorney,

(signed) EDWARD A. COUNIHAN, Jr.

RECEIVED



NOV 1 01932 AM

EDWARD A. COUNIHAN, JR.
ATTORNEY AT LAW
910 BARRISTERS HALL, PEMBERTON SQUARE
BOSTON, MASS.

November 14, 1932

Hon. Richard M. Russell,
City Hall,
Cambridge, Mass.

My dear Mr. Mayor:

I am enclosing herewith petition of
The Inhabitants of Belmont for permission to use a certain
parcel of land in Cambridge adjacent to the present town
cemetery in Belmont for burial purposes.

As indicated in the petition, the Board
of Health have already approved, in writing, of the use of
this land, in accordance with Section 34 of Chapter 114 of
the General Laws.

Will you kindly forward this petition
to the City Council so that it may be heard and acted upon
as speedily as possible.

Yours very truly,

Edward A. Counihan

EAC/M
Enc.

Cambridge, November 14, 1932

the Mayor and
To the Honorable, the City Council of the
City of Cambridge:

The undersigned respectfully ~~represents~~
represents The Inhabitants of Belmont, a municipal corporation duly
organized and existing under the laws of the Commonwealth of Massachu-
setts, that it is the owner of a certain parcel of land in said
Cambridge, bounded and described as follows:

WESTERLY	by the boundary line between the City of Cambridge and the Town of Belmont, extending southerly from the southerly line of the present town cemetery, three hundred twenty-two (322) feet more or less to the line of a proposed street, as shown on plan hereinafter mentioned;
SOUTHWESTERLY	by the line of said proposed street, about twenty- four (24) feet more or less;
SOUTHERLY	by land now or formerly of Mary E. P. Skahan, one hundred fourteen (114) feet more or less;
SOUTHEASTERLY	by land now or formerly of the City Sand and Gravel Company, two hundred eight (208) feet more or less;
NORTHEASTERLY	by said cemetery of the Town of Belmont, two hun- dred ninety-two (292) feet more or less.

Containing 51,000 feet more or less, and being shown on a "Plan for
Park and Playground Purposes in the City of Cambridge," dated
January 25, 1924.

That said parcel of land is adjacent to the cemetery of the
Town of Belmont,

That the Board of Health of the City of Cambridge on Novem-
ber 8, 1932, approved, in writing, of the use of said parcel of land
above described for burial, on the express provision and condition
that The Inhabitants of Belmont reserve along the southeasterly bound-
ary line of said parcel of land a strip of land thirty (30) feet wide
for the purpose of a road or passageway for its own use and benefit,
said reserved strip of land to run the distance of two hundred and
eight (208) feet, more or less, and no burials made therein.

WHEREFORE your petitioner prays that the Mayor and the
City Council of the City of Cambridge give permission to your
petitioner to use said land above described for burial on the ex-
press provision and condition as above provided by the written
approval of the Board of Health.

THE INHABITANTS OF BELMONT

By its Attorney,

Edward A. Connelley

PETITION

of THE INHABITANTS OF BELMONT

for land for burial

November 14, 1932

In City Council,

193

Referred to the Committee on

Attest :

City Clerk



LAW DEPARTMENT OF THE CITY OF CAMBRIDGE

EDMUND L. TWOMEY, CITY SOLICITOR

53 STATE STREET, ROOM 735

BOSTON, MASS.

TELEPHONE: HUBBARD 2670

November 14, 1932.

The Honorable Richard M. Russell,
Mayor of Cambridge,
City Hall,
Cambridge, Massachusetts.

Dear Sir:-

I have your letter of November 10th inquiring as to whether there is any statutory prohibition against allowance of the petition of the Inhabitants of Belmont that a certain parcel of land located in the City of Cambridge be used for burial purposes.

The pertinent sections of the statute are as follows:

General Laws, Chapter 114, Section 34:

"Except in the case of the erection or use of a tomb on private land for the exclusive use of the family of the owner, no land, other than that already so used or appropriated, shall be used for burial, unless by permission of the town or of the mayor and aldermen of the city in which the same lies; but no such permission shall be given until the location of the lands intended for such use has been approved in writing by the board of health of the town where the lands are situated after notice to all persons interested and a hearing; and the board of health, upon approval of the use of any lands either for new cemeteries or for the extension of existing cemeteries, shall include in the records of the said board a description of such lands sufficient for their identification. For every interment in violation of this section in a town in which the notice prescribed in section thirty-seven has been given, the owner of the land so used shall forfeit not less than twenty nor more than one hundred dollars."

General Laws, Chapter 114, Section 35:

"No land other than that so used and appropriated on April tenth, nineteen hundred and eight, shall be used for the purpose of burial if it be so situated that surface water or ground drainage therefrom may enter any stream, pond, reservoir, well, filter gallery or other water used as a source of public water supply, or any tributary of a source so used, or any aqueduct or other works used in connection therewith, until a plan and description of the lands proposed for such use have been

November 14, 1932.

submitted to, and approved in writing by the department of public health."

As you will see from the sections of the statute above quoted, where it is sought to use land for burial purposes, the approval of the Board of Health must first be obtained after proper notice. It is then necessary to obtain the permission of the Mayor and City Council, and under Section 35, if the property to be used for burial purposes is so situated that it might affect any stream, pond, reservoir, etc., used as a source of public water supply, the approval of the Department of Public Health must be obtained.

I was present at the meeting of the Board of Health at which this matter was considered and am satisfied that all these requirements have been met. Notice was given by newspaper publication and mailing to all nearby property owners. The only objector was a woman residing in Watertown who owns a piece of property nearby. She did not appear in person at the meeting. The matter had been submitted to the Department of Public Health and it had signified that it had no objection to the allowance of the petition. I therefore believe that all the statutory requirements have been met.

The Board of Health has approved the use for burial purposes of a certain parcel of land described in the partition and containing 51,000 feet more or less, "on the expressed provision and condition" that a strip 30 feet wide and 208 feet long be reserved for a road, and that no burials be made therein. It seems to me that it would be better if the order of the Board of Health excepted this strip from the description of the land which it is permitting to be used for burial purposes, rather than to give permission for the use of the whole parcel for burial purposes on the condition that part of it should not be so used.

Yours very truly,

E. L. Twomey
City Solicitor.

ELT:C

OFFICE OF THE MAYOR
CAMBRIDGE, MASSACHUSETTS

November 15, 1932

To the Honorable, the City Council

I transmit herewith communication from Edward A. Counihan, Jr., Attorney, enclosing petition of the Inhabitants of Belmont for permission to use a certain parcel of land in Cambridge adjacent to the present town cemetery in Belmont for burial purposes.

I also transmit herewith opinion of the City Solicitor with reference to this matter and I respectfully suggest that, if your honorable body concludes to grant the said petition, it do so with the limitation suggested by the City Solicitor in the last paragraph of his said letter; i.e., that it except from the petition for use as burial purposes the strip of land designated for a road.

Yours respectfully,

A handwritten signature in dark ink, appearing to read "Rufus W. Russell". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mayor

RMR:LMK

COMMUNICATION
from the Mayor, transmitting
one from Edward S. Cunningham, Jr.
enclosing petition of The Inhabitants of
Belmont for permission to use a
certain parcel of land in Cambridge
adjacent to the present town cemetery
in Belmont for burial purposes; also
opinion of City Council in reference to
this matter

(to City Council) NOV 15 1932

Referred to the Committee on

Health

Frederick H. Burke
City Clerk

O-T 12/9/32
Hiding No. Money against.



City of Cambridge

In City Council

December 20, 1932.

WHEREAS:-

The Inhabitants of Belmont, a municipal corporation duly organized and existing under the laws of the Commonwealth of Massachusetts have petitioned for permission to use certain land, situated in the City of Cambridge for burial purposes, and

WHEREAS:-

The Board of Health, at a meeting held on November 1, 1932, and after a hearing of which notice was sent to all persons interested, voted to approve, in writing, the location of the land intended to be used for burial, it is

ORDERED:-

That, the Inhabitants of Belmont, a municipal corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, and located within the County of Middlesex, be and hereby is given permission to use certain land situated in Cambridge, adjacent to the present Town Cemetery, for burial purposes. So much of said land as is situated in the City of Cambridge is bounded and described as follows:-

Westerly by the boundary line between the City of Cambridge and the Town of Belmont, extending southerly from the southerly line of the present town cemetery, three hundred twenty-two (322) feet more or less to the line of a proposed street, as shown on plan hereinafter mentioned; southwesterly by the line of said proposed street, about twenty-four (24) feet more or less; southerly



City of Cambridge

- 2 -

In City Council

by land now or formerly of Mary E. P. Skahan, eighty-four (84) feet more or less; southeasterly by other land of the Town of Belmont, two hundred nineteen (219) feet more or less; north-easterly by said cemetery of the Town of Belmont, two hundred sixty-two (262) feet more or less; all as substantially shown on plan entitled: "Plan Showing Extension of Belmont Cemetery in the City of Cambridge, dated December 1932, by Office of the Town Engineer, Belmont, Mass., a copy of which is filed with the petition. This permission is granted pursuant to Section 34, Chapter 114 of the General Laws and any and all other provisions of law applicable.

DEC 20 1932

In City Council _____

Adopted by the affirmative vote

of 13 members.

Frederick W. Burke City Clerk.

Executive Department. DEC 22 1932

Approved

Richard W. Ramey
Mayor

other provisions of law applicable.

Section 34, Chapter 114 of the General Laws and any and all with the petition. This resolution is granted pursuant to the Town Engineer, Belmont, Mass., a copy of which is filed in the City of Cambridge, dated December 1932, by Office of on plan entitled: "Plan showing Extension of Belmont Cemetery about two (200) feet more or less; all as substantially shown westerly by said cemetery of the Town of Belmont, two hundred Belmont, two hundred nineteen (219) feet more or less; north- less more or less; southeasterly by other land of the Town of

by being for formerly of Mary E. P. Shepard, eighty-four (84)

DEC 22 1932

Presented to the M.

for

Frederick H. Barker

City Clerk

- 5 -

In City Council

City of Cambridge

City of Cambridge

In City Council December 20, 1932.

The

Committee on Health

to which was referred a petition of the Inhabitants of the Town of Belmont for permission to use certain land situated in the City of Cambridge for burial purposes

Reports,

Recommending the adoption of the accompanying order granting said petition.

For the Committee.

Chester P. Swenson

REPORT

Committee on Health
recommending an order granting
Inhabitants of Belmont permission
to use certain land situated in
Cambridge for burial purposes

A

December 20, 1932.