Town of Waterford Green Burial Policy

Purpose: Because it is legal in Vermont to bury family members on home property not prohibited by local law, and Waterford wishes to protect the health of its citizens and protect human remains located on private lands, the Town of Waterford has created the following home burial policy in accordance with the state laws outlined below.

1) Burial must follow all state laws as outlined below
2) A $15 filing fee must accompany the Private Family Burial Grounds Form

The law differentiates between **Natural Burial Grounds** (often called green cemeteries) and **Private/Home Burials,** both of which allow for eco-friendly practices.

1. Key Statutory Definitions (18 V.S.A. S 5302)
Vermont explicitly defines a "natural burial ground" as a cemetery that follows specific ecological standards:

- **No Vaults:** The use of concrete or plastic outer burial containers (vaults) is prohibited.
- **Embalming Restrictions:** Remains must be either unembalmed or treated only with non-toxic, biodegradable fluids.
- **Biodegradable Containers:** Bodies must be buried in a non-toxic, plant-derived container (like a wicker basket or wooden casket with no metal) or a simple shroud. Forgoing a container entirely is also permitted.

2. Burial Depth and Requirements (18 V.S.A. S 5319)

- **Minimum Depth:** By statute, the distance from the bottom of the body (or the biodegradable container) to the natural surface of the ground must be at least **3.5 feet.**
- **Distance from Water:** New or expanded cemeteries must follow strict setbacks from groundwater sources:
    - **200 to 500 feet** up-gradient from various types of wells/potable water supplies.
    - **150 feet** cross or down-gradient from groundwater sources.
    - Must be located outside of delineated river corridors and flood hazard areas.

3. Private and Home Burials

Vermont is one of the few states that clearly allows for burial on private property (18 V.S.A. \S 5319(a)(2)):

- **Immediate Family:** A landowner may set aside a portion of their land for the burial of immediate family members.
- **Permits:** You must still obtain a **burial-transit permit** from the town clerk.
- **Recording:** The burial site must be mapped and recorded in the town's land records to ensure future owners are aware of the site.

4. Recent Expansions: Aquamation and Human Composting

As of 2023, Vermont law expanded the definition of "disposition" to include two other "green" alternatives:

- **Alkaline Hydrolysis (Aquamation):** Uses water and heat to reduce remains.
- **Natural Organic Reduction (Human Composting):** Explicitly legalized via **Act 169**, allowing for the accelerated conversion of human remains into soil.