



# TOWN OF HINGHAM

## Board of Appeals

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Town Clerk  
Hingham, MA

### NOTICE OF DECISION SPECIAL PERMIT

#### IN THE MATTER OF:

Applicant: Colleen Kennedy-Muzio  
Record Owner: Colleen Kennedy and Frank Muzio  
3 Side Hill Road  
Hingham, MA 02043

Property: 3 Side Hill Road, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 60206, Page 201

Plan References: "Plan of No. 3 Side Hill Road Hingham, Massachusetts," prepared by Neil J. Murphy Associates, Inc., 231 Chief Justice Cushing Highway, Cohasset MA 02025, dated August 27, 2024 (1 Sheet);

#### SUMMARY OF PROCEEDINGS

This matter came before the Board of Appeals (the "Board") on the application of Colleen Kennedy-Muzio (the "Applicant") for a Special Permit A1 under Section III-A, 4.5 of the Zoning By-Law (the "By-Law") for the boarding of dogs at 3 Side Hill Road, in Residence District C.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on October 14, 2025 via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2025 and all other applicable laws temporarily amending certain provisions of the Open Meeting Law. The Board panel consisted of regular members Robyn Maguire, Chair, Paul K. Healey and Jed Ruccio. The October 14, 2025 public hearing was opened and immediately continued to November 18, 2025. At the conclusion of the review on November 18, 2025, the Board voted unanimously to close the public hearing and continue it for deliberation at the Board's December 16, 2025 meeting. After the Board's deliberation at their December 16, 2025, the Board voted unanimously to grant the requested Special Permit A1 with conditions set forth below.

Throughout its deliberations, the Board was mindful of the statements of the Applicant and the comments of the general public, all as made or received at the public hearing.

## **BACKGROUND**

The subject property consists of approximately 107,894 ± SF of land (2.5± acres) and is improved by a single-family home 3,600 SF home (ca. 1910), as well as a shed (ca. 2003), Pool (ca. 2010) and a cabana (ca. 2010), and a large fenced in yard. Prior to being single-family home, the property was a working horse farm.

The proposed use is allowed with a Special Permit A1 under Section III-A, 4.5 of the Zoning By-Law, subject to special condition 1, which requires a minimum lot size of 2 acres and that all buildings not used for residence shall be placed a minimum of 40 feet from the front, side and rear lot lines. The subject property meets these minimum dimensional requirements required under the Zoning By-Law.

Boarding of dogs in Massachusetts is also subject Chapter 213 of the Acts of 2024, also known as “Ollie’s Law.” The business cannot open until it has received a final inspection from the Animal Control Officer (ACO) confirming that it meets all aspects of “Ollie’s Law.” The Applicant will be required to file for a Kennel License from the Town Clerk’s Office, and the business will be subject to annual inspections and Kennel License renewal.

## **FINDINGS**

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the hearing, the Board made the following findings in accordance with the Special Permit Approval Criteria under Section I-H, 2:

- a. **The proposed use will be in harmony with the general purpose and intent of the Zoning By-Law for the following reasons.** The proposed use is allowed by Special Permit in a Residential District, and the Board has determined that the Applicant has addressed all requirements for the use.
- b. **The proposed use complies with the purposes and standards of the relevant specific sections of the By-Law.** The proposed use complies with the purposes and standards of the By-Law, including Special Condition 1 of Section III-B, which requires the use to be conducted on a lot consisting of at least 2 acres and that all buildings not used for residence shall be placed a minimum of 40 feet from the front, side and rear lot lines.

- c. **The specific site is an appropriate location for such, structure, or condition, and is compatible with the characteristics of the surrounding area.** The proposed use is only allowed on properties that are at least two acres; the subject property is 2.5 acres allowing for the use to be spaced from the neighboring single-family residences. The use will be primarily conducted within a single-family home, and the outside component of the use will be set 40' back from all lot lines.
- d. **The use as developed and operated will create positive impacts or the potential adverse impacts will be mitigated.** The use will be primarily located within the single-family home, so as to provide an adequate buffer to other residences in the surrounding residential neighborhood. The outdoor, fenced-in area is located behind the garage at the required distance from the setbacks as required by the By-Law. Outdoor hours will be limited and fully supervised. The business will be fully bonded and insured.
- e. **There will be no nuisance or serious hazard to vehicles or pedestrians.** The acreage of the lot and the fencing around the yard will contain the dogs and keep them from accessing the streets or engaging with pedestrians or neighbors.
- f. **Adequate and appropriate facilities exist or will be provided for the proper operation of the proposed use.** The proposed use will be primarily located within the single-family home. Fenced in areas exist on the property and will contain the dogs within it. In addition, the premises are being inspected for suitability for this use by the Animal Control Officer in accordance with applicable state law.
- g. **The proposal meets accepted design standards and criteria for the functional design of facilities, structures, stormwater management, and site construction.** No exterior work, other than the fenced enclosures, are proposed in connection with the proposed use. Waste management will comply with health and safety standards.

## **DECISION**

Upon a motion made by Paul Healey and seconded by Jed Ruccio, the Board voted unanimously to GRANT the application of Colleen Kennedy-Muzio for a Special Permit A1 under § III-A, 4.5 of the Zoning By-Law, board dogs at 3 Side Hill Road located in Residence District C subject to the following conditions:

1. This special permit shall be personal to the named applicant, Colleen Kennedy-Muzio, shall not run with the land, and may not be assigned. This special permit shall automatically terminate upon the sale or other transfer of the applicant's fee interest in the premises.

2. The Applicant's use shall be limited to boarding of dogs in a manner consistent with the application and representations made by the Applicant at the hearing.
3. The Applicant may only board the number of dogs approved by the Animal Control Officer (ACO) and allowed under "Ollie's Law," provided, however, that in no event shall the total number of dogs located at the premises exceed 10 at any given time, inclusive of any dogs owned or fostered by the Applicant or any other occupants of the premises.
4. All dogs on the premises for boarding must be kept in the proposed exterior fenced enclosure in the drawing shown on the plan submitted in the application, subject to the following additional restrictions:
  - a. Use of the enclosure for boarded dogs shall be limited to the hours of 8:00 am to 8:00 pm;
  - b. Boarded dogs shall not be permitted to be off-leash on the premises outside of the enclosure at any time;
  - c. The enclosure shall be monitored at all times it is in use;
  - d. In no event shall more than five (5) boarded dogs be permitted in the enclosure at any one time; and
  - e. Any barking dogs that cannot be silenced shall be relocated to the interior of the home with reasonable promptness.
5. This Special Permit shall expire automatically two years from the date of issuance. At least sixty (60) days prior to expiration the Applicant may apply for renewal, subject to the public hearing process. In determining whether the Special Permit shall be renewed, the Board shall take into consideration the Applicant's compliance with the conditions herein and Ollie's Law during the term of this permit.

For the Board of Appeals,



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Robyn Maguire, Chair  
December 23, 2025

This Decision shall not become effective until (i) the Town Clerk has certified on a copy of this decision that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that if such an appeal has been filed, that it has been dismissed or denied, and that (ii): a copy thereof has been duly recorded in the Plymouth County Registry of Deeds and indexed in the grantor index under the name of the owner of record.