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The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Fire Prevention Regulations Appeals Board

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LARRY S. FISHER
CHAIRMAN

Docket # 2025-08
274 Winthrop Street
Taunton, Massachusetts

FIRE PREVENTION REGULATIONS APPEALS BOARD DECISION

A) Statutory and Regulatory Framework

This matter is an administrative appeal filed in accordance with Massachusetts General Laws Chapter 22D, Section 5. The Appellant is seeking the Board of Fire Prevention Regulations' review of an Order of the Taunton Fire Department requiring all underground storage tanks located at 274 Winthrop Street, Taunton, Massachusetts be removed within forty-five (45) days from the date of their notice¹, in accordance with 527 CMR 1.00, Section 66.21.7.4.3.2.1. The subject property is owned by Peter Nifakos but is operated by Khalil Dobeibs and Milad Dbais doing business as Planet Petroleum, Inc.

B) Procedural History

By notice dated October 6, 2025, the Taunton Fire Department ordered that all undergrounds storage tanks located at 274 Winthrop Street, Taunton, Massachusetts be removed within forty-five (45) days in accordance with 527 CMR 1.00, Section 66.21.7.4.3.2.1.

On November 13, 2025, the Appellant filed a timely appeal of the Taunton Fire Department's determination with the Fire Prevention Regulations Appeals Board. The Board held a hearing relative to this appeal on February 5, 2026, via video conference.

Appearing on behalf of the Appellant were: Attorney Edward W. Pietnik, Jr., Attorney Tad G. Pietnik, Khalil Dobeibs, and Milad Dbais. Appearing on behalf of the Taunton Fire Department was: Deputy Chief Robert Bastis.

Present for the Board were: Alfonso Ibarreta, Presiding Chair; Chief Martin Dyer; John Cox; and Keith Pogarian, Alternate. Rachel E. Perlman was the Attorney for the Board.

C) Issue(s) to be Decided

Whether the Board should affirm, reverse or modify² the Taunton Fire Department's order to

¹ Taunton Fire Department notice was dated October 6, 2025. The forty five (45) day deadline to remove tanks was November 20, 2025.

² In accordance with the Board's authority under M.G.L. Chapter 22D, Section 5.

require that all undergrounds storage tanks located at 274 Winthrop Street, Taunton, Massachusetts be removed within forty-five (45) days in accordance with 527 CMR 1.00, Section 66.21.7.4.3.2.1.

D) Evidence Received

1.	Application for Appeal filed by Appellant	11/13/2025
2.	Order of Notice of the Taunton Fire Department	10/6/2025
3.	Submissions of the Taunton Fire Department in Support of Order	
3A.	Notice of Non-Compliance from Mass. Department of Environmental Protection	8/13/2013
3B.	Notice of Non-Compliance from Mass. Department of Environmental Protection	1/30/2017
3C.	Notice of Non-Compliance from Mass. Department of Environmental Protection	6/26/2017
3D.	Notice of Non-Compliance from Mass. Department of Environmental Protection	11/21/2017
3E.	Facility / Site Details Report (4 pages)	12/2/2025
3F.	Google Street View Print Out labeled 'current – no fuel sales' and 'price signage hasn't changed'	Undated
3G.	Google Street View Print Out labeled 'fuel pump on the ground' and 'price signage hasn't changed'	Oct. 2022
3H.	Google Street View Print Out labeled 'June 2021 - pump on the ground' and 'price signage hasn't changed'	June 2021
3I.	Google Street View Print Out labeled 'June 2021' with arrow pointing to fuel pump	June 2021
3J.	Google Street View Print Out	August 2017
3K.	Two (2) Google Street View Print Outs labeled 'Nov. 2016' 'fuel pump on the ground' and 'no fuel sales'	November 2016
3L.	Google Street View Print Out labeled 'April 2012 both pumps upright'	April 2012
3M.	Order of Notice from Taunton Fire Department	10/6/2025
3N.	Request for Documentation – Fuel Storage and Dispensing Operations to business/property owner from Taunton Fire Department with U.S.P.S. Certified Mail Receipts	11/20/2025
3O.	Copy of Application or Permit to Maintain an Existing/New Underground Storage Tank Facility Regulated Under 527 CMR 9.00	1/12/2012
3P.	Correspondence from Taunton Department of Public Works, Weights and Measures to Deputy Chief Bastis	11/21/2025
3Q.	E-mail Correspondence from Deputy Chief Bastis to Craig Barter, Taunton Department of Public Works, Weights and Measures	11/20/2025
3R.	E-mail Correspondence from Scott Wiinikainen, Compliance Officer, State Office of Weights and Measures to Craig Barter, Taunton Department of Public Works, Weights and Measures	11/20/2025
3S.	Copy of Mass. General Law, Chapter 94, s. 295B "Licensing of Retail Dealers engaged in the Business of selling motor fuel or automotive lubricating oil."	
3T.	Notice of Non-Compliance from Mass. Department of Environmental Protection	12/6/2024
4.	E-mail Correspondence between Mass. Department of Environmental Protection And Taunton Fire Department	2/2/2026

E) Subsidiary Findings of Fact

1. By notice dated October 6, 2025, the Taunton Fire Department ordered that all under-ground storage tanks located at 274 Winthrop Street, Taunton, Massachusetts be removed within forty-five (45) days in accordance with 527 CMR 1.00, Section 66.21.7.4.3.2.1.
2. Mr. Khalil Dobeibs, through his attorney, testified that he is the operator of Planet

Petroleum, which was previously a full-service gas station, in addition to being a garage repair business. He testified that there are three (3) underground gasoline tanks on site, which each store 8,000 gallons of gasoline, for a total of 24,000 gallons. Mr. Dobeibs also stated that there are “a couple of” 55-gallon drums of waste oil that are also stored on site as part of his garage repair business but advised that they are emptied “frequently.”

3. Mr. Dobeibs stated that in March 2017, he decided that the station would stop selling gas to the public due to a serious medical diagnosis in addition to a non-functioning gas pump, which had been hit by a vehicle and knocked over. Mr. Dobeibs stated that he contacted the Massachusetts Department of Environmental Protection (“DEP”) about temporarily shutting down the pumps and inquired if the pumps could remain operational if he did not sell the gas to the general public. He stated that the DEP representative suggested that the pump should be placed out of service until it could be fixed.
4. Mr. Dobeibs testified that construction to fix the non-functioning gas pump could not begin until the gas tanks were emptied. As a result, he has continued to use the remaining gas to fill his own vehicles over the past three (3) years. Attorney Pietnik stated that his clients believed that they could shut down the station and stop pumping gas for the general public while continuing to use the remaining gas for themselves and for cars they repair. Attorney Pietnik stated that his clients never sold to the public, and that the tanks were operational up to three years ago, which is within the five year time frame allowed in 527 CMR 1.00, Section 66.21.7.4.3.2.1.
5. Mr. Dobeibs further testified that using the remaining gas in the tanks for his personal use was allowed based upon conversations he had with a representative from DEP he identified as “Dan.” Mr. Dobeibs said that Dan had advised him that in order for the station to be put back in service, the underground tanks would need to be tested and pass inspection. Once approved, Dan allegedly told Mr. Dobeibs that the replacement pumps could be installed and the station would be placed back into service.
6. Following the accident with the gas pump, Mr. Dobeibs stated he had hired Petroleum Brothers of Everett, Massachusetts to install new pumps. However, after work began, the primary installer had a series of health issues and was unable to complete the replacement of the pumps. Mr. Dobeibs stated that he recently found another company, LaMountain Brothers, who he intended to contract with for the replacement work. However, Mr. Dobeibs stated that he is waiting to sign the contract until after this appeal has been heard and decided.
7. In response to a question from the Board, Mr. Dobeibs confirmed that gas was being pumped from the underground tanks until three years ago and that about 800 gallons remained in the tanks at the time DEP checked them. However, he stated that all three tanks are now at depleted levels and confirmed that there had been no additional gas deliveries or flows into the tanks since 2017.
8. In support of the Order issued by the Taunton Fire Department, Deputy Chief Bastis testified that the department issued the Order to remove the tanks for several reasons, including: the “slow, progressive deterioration of the property”, the lack of fuel service to the public from 2012 to 2017, and the absence of a permit to store fuel after 2012.
9. Specifically, Deputy Bastis cited a 2012 incident where one of the fuel pumps had been hit and knocked over by a vehicle. As a result, the station was unable to pump gas.

10. Deputy Bastis also submitted into the record, five (5) Notices of Non-Compliance from the DEP to Mr. Dobeib and Mr. Nifakos, the property owner, from 2013 to 2024. The notices state that the property failed to meet certain requirements of the State Fire Code, as well as: failure to submit a Third Party Inspection reports for the underground storage tanks and failure to submit a Third Party Inspection Report Return to Compliance report, which resulted in a penalty assessment.
11. More specifically, Deputy Bastis referred to Exhibit 3T from the DEP which states that “on January 13, 2017, Respondent [Mr. Dobeib] placed the three UST systems in temporarily out-of-service (TOS) status”. The notice also indicates that the “TOS expired on January 13, 2022.”
12. Deputy Bastis testified that based upon the information he entered into the record, it was clear that the station had been temporarily out of service for more than five years, in violation of 527 CMR 1.00, Section 66.21.7.4.3.2.1.

F) Ultimate Findings of Fact and Conclusions of Law

1. The applicable section of 527 CMR 1.00, section 66 is as follows:

66.21.7.4.3.2.1 Tanks remaining temporarily out of service for more than five years shall be permanently closed in place or removed in accordance with *Section 66.21.7.4.3.3 or 66.21.7.4.3.4* as applicable.

2. The Board finds that the Appellant’s testimony on the timeline of events, including when the gas pump was knocked over and when the gas tanks were placed out service, is not clear. While the Appellant stated that he continued to use the remaining gas “over the past three (3) years” to fill his own vehicles, he also testified that the tanks were being used as far back as 2017.
3. Based upon the documentation submitted into the record by the Taunton Fire Department including the Notices of Non-Compliance, the Board finds that the Appellant had voluntarily placed the tanks in a “temporarily out-of-service (TOS) status” on January 13, 2017 and that the “temporary” five (5) year limit would have expired on January 13, 2022.
4. Based upon the testimony of the Appellant, the Board finds that the TOS (Temporarily Out of Service) form filled out in 2017 incorrectly stated that the three (3) UST’s had been emptied (exhibit T, pages 5-6). However, the Appellant testified that he continued to pump gas from his tanks up until approximately 2022 or 2023. This statement contradicts the Certification Agreement on the Tank Status Changes Submission form from the Department of Environmental Protection that was electronically signed by Khalil Dobeib on March 9, 2017.
5. The Board also finds that on December 4, 2024, the Department of Environmental Protection found that the three underground storage tanks were not being used and had not been removed or permanently closed, in violation of both the State Fire Code and DEP regulations.

G) Decision and Order

Based upon the testimony and evidence presented to the Board and for the reasons stated herein, the Board hereby **upholds** the Order of the Taunton Fire Department dated October 6, 2025, to remove all underground storage tanks within forty-five (45) days from the date of hearing (Sunday, March 22, 2026).

H) Vote of the Board

Alfonso Ibarreta, Presiding Chair
Chief Martin Dyer
John Cox

In Favor
In Favor
In Favor

I) Right of Appeal

You are hereby advised you have the right, pursuant to section 14 of Chapter 30A of the General Laws, to appeal this decision, in whole or in part, within thirty (30) days from the date of receipt of this order.

SO ORDERED,



Alfonso Ibarreta, Presiding Chair
Fire Prevention Regulations Appeals Board

Dated: March 9, 2026

**A COPY OF THIS DECISION AND ORDER WAS FORWARDED BY E-MAIL AND
CERTIFIED MAIL, RETURN RECEIPT REQUESTED TO:**

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