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COMMONWEALTH OF MASSACHUSETTS

Dukes, ss. Land Court
Misc. Case No. 287677

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JACK FRUCHTMAN, JR. and
JOANN FRUCHTMAN,
Plaintiffs,

vs.

MARIA A. KITRAS and JAMES J.
DECOULOS, as they are trustees
of GORDA REALTY TRUST,
Defendants.

* * * * *

DEPOSITION OF JEFFREY L. MADISON, a
witness called on behalf of the Plaintiffs, taken
pursuant to the applicable provisions of the
Massachusetts Rules of Civil Procedure before
Cynthia A. Powers, Shorthand Reporter and Notary
Public in and for the Commonwealth of
Massachusetts, at the law offices of Rackemann,
Sawyer & Brewster, One Financial Center, Boston,
Massachusetts, on Wednesday, May 28, 2003,
commencing at 10:01 a.m.

* * * * *

KACZYNSKI REPORTING
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1 APPEARANCES:

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6 617 542-2300
7 Representing the Plaintiffs

8 DECOULOS & COMPANY
9 James J. Decoulos
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13 Appearing Pro Se

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1 1996.

2 Q. Did you go away to school in that
3 period from when you were born?

4 A. Yes, from 1966 to 1969.

5 Q. Can you tell us about what Aquinnah
6 was like, characteristics of the land, while you
7 were growing up, say, from your earliest memories
8 until 1966?

9 A. Oh, yeah. It was very rural place
10 where people lived their life and pretty much made
11 their living either from shell fishing, you know,
12 or fin fishing and serving the summer residents
13 who vacationed in Gay Head.

14 It was, you know, just it was a
15 family place, you know. I mean, everybody was for
16 the most part friendly and helped each other out.

17 And I guess my earliest memories
18 are, you know, of not having electricity or a
19 telephone or anything. Our house was like the
20 first house in Gay Head to have both and, you
21 know, and a television. So, it was, it was way --
22 it's like a world apart from any other place that
23 I knew even on Martha's Vineyard.

24 Q. What year did you get electricity

1 or telephone?

2 A. 1951, I think. I only know that
3 because my mother gave me this picture that was in
4 the New Bedford Standard Times of me sitting on my
5 grandfather's knee turning on a light bulb.

6 Q. As a child did you, and as you were
7 growing up, did you explore the land of Aquinnah?

8 A. Yeah, that's all there was to do.
9 There was no recreational facilities there. There
10 was a one-room schoolhouse. After school and
11 during the summer we would run all over Gay Head,
12 you know, up and down the cliffs and down to
13 Moshup -- Moshup Trail wasn't there, so it was
14 Zachs Cliffs, and all over the place.

15 Q. You remember when Moshup Trail was
16 built?

17 A. Absolutely, yes.

18 Q. You mentioned that Zachs Cliffs was
19 a road that people used before Moshup Trail was
20 built?

21 A. It was an old overgrown path down
22 to the beach that people used to use and, you
23 know, it was even hard to find when I was growing
24 up there, but, yeah, you could see it, go through

1 the bar ways down to what was known as the
2 Hornblower property and Squibnocket Pond and Zachs
3 Cliffs.

4 Q. Did you ever see anyone drive down
5 it?

6 A. I never saw anyone drive down
7 there; it was just too overgrown.

8 Q. Who was responsible for Moshup
9 Trail being built?

10 A. I think the way that that went was
11 that the Town of Gay Head and the county, Dukes
12 County, together funded the construction, and I'm
13 sure the state pitched in there with some revenue
14 as well.

15 Q. And why did the town, the county,
16 and the state decide to build Moshup Trail?

17 A. It's a good question. I was really
18 young, I was certainly in grade school, and I
19 remember riding the trucks from White Brothers
20 Construction in the summer months when we were
21 building that road. And I think that people were
22 just then -- it was in the mid fifties, maybe
23 around '56, '57, somewhere around there, and I
24 think that people were recognizing the, that those

1 beach properties had some value, and they were
2 trying to take advantage of the value that those
3 set-off lots had down there.

4 Prior to that time, prior to people
5 in the summer coming to visit Gay Head, people in
6 Gay Head were subsistence farmers; so that land
7 was essentially worthless and people ignored it
8 except when they went duck hunting or anything. I
9 think when the fifties came around people
10 recognized they could sell those lots.

11 By that time Henry Cronig was
12 developing lots in Gay Head and perhaps he had
13 some influence with people to construct the road,
14 lead them to the value of constructing the road.

15 Q. What was the reaction of people in
16 town to the construction of Moshup Trail?

17 A. I think that they were open to it
18 and thought it was a good thing. I don't know
19 that I have any other way to judge that than just
20 not hearing anybody voice disapproval of it.

21 Q. To the best of your recollection,
22 you don't remember anyone voicing any opposition
23 to the construction of Moshup Trail?

24 A. I do not.

1 Q. In your opinion, was there anything
2 different or special about the land in the Moshup
3 Trail area?

4 A. Well, like I said, it was sand
5 dunes and, you know, it was great fun to run over
6 when we were kids, you know, and to play in, but,
7 you know, it was essentially, like I said,
8 worthless land in the eyes of folks who owned it
9 back in those days.

10 Q. You mentioned some land that you
11 had developed in town in the area that we're
12 talking about, in the Moshup Trail area. Did you
13 own any land elsewhere in town?

14 A. Yeah, sure, you know, through a,
15 you know, the five or six years that I was in the
16 development business we bought and subdivided
17 several parcels, you know, in the Lobsterville
18 area, on the state road area.

19 Q. Would you consider yourself
20 experienced in developing and improving land for
21 sale in Aquinnah?

22 A. Today probably not but then, yeah,
23 I was -- you know, just through my experiences of
24 being an assessor, I was familiar with the land in

1 Aquinnah and had done several state revaluation
2 efforts, overseen those efforts on behalf of the
3 town and, you know, developed these lots myself
4 so, yeah, you know, and been involved with
5 interpreting zoning statutes and stuff like that,
6 yeah.

7 Q. At what point did you feel as
8 though you lost that experience?

9 A. Well, to the extent, you know, I
10 just have pursued -- when I gave up being a
11 developer on Martha's Vineyard back in '92, went
12 to work for the tribe, I think that my
13 disassociation from the -- and I had retired as a
14 selectman in Gay Head in 1990, so I think from
15 that point forward it's just been a separation.

16 Q. 1992 approximately?

17 A. Yes.

18 Q. You mentioned your service as a
19 selectman. I believe earlier you mentioned to
20 Brian you served as a selectman for twenty-five
21 years; is that right?

22 A. An assessor for twenty-five years;
23 a selectman, I think it was for sixteen years.

24 Q. Did you serve on any other boards

1 or act in any other official capacity for the
2 town?

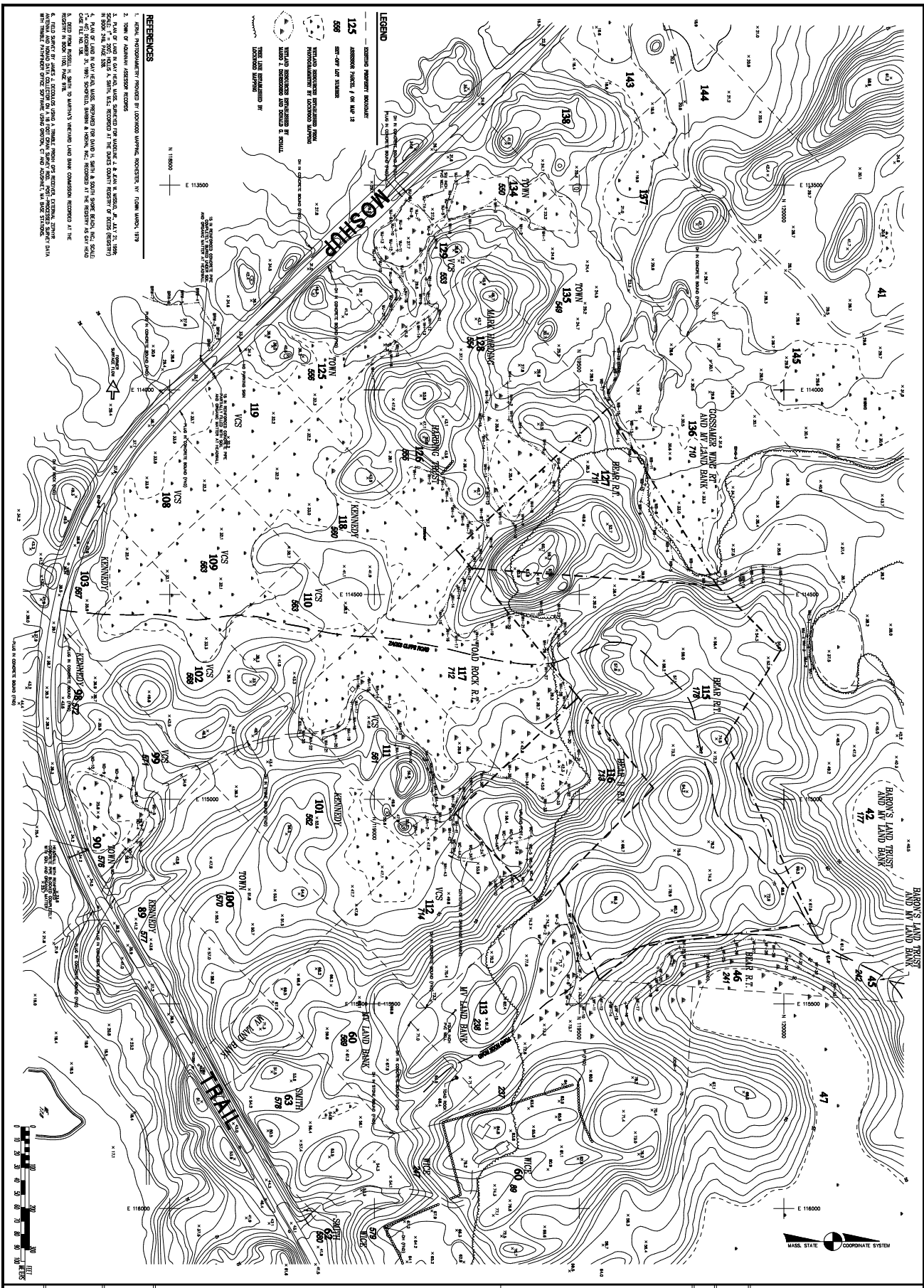
3 A. At various times, you know, any --
4 you know, I've been pound keeper, assistant shell
5 fish warden, school committee, board of appeals,
6 planning board, planning board review committee,
7 land bank advisory committee, cable advisory
8 committee, you know, there's probably -- refuse
9 district committee member, representative to the
10 board of county commissioners in their fiscal
11 boards, just over the years many, many, many
12 positions in town.

13 Q. Do you currently serve in any board
14 or act in any official capacity?

15 A. Thank the Lord, I do not.

16 Q. As you were developing land up
17 until 1992, what engineers and land surveyors
18 represented you in these developments efforts?

19 A. I think principally Doug Hoehn and
20 Dick Barbini from Schofield Brothers who are the
21 exclusive people we tried to use. I may have used
22 Doug Duling (ph.) on some occasions or Russell
23 Smith on a couple of occasions but principally
24 Schofield Brothers.



REFERENCES

1. STATE INFORMATION PROVIDED BY MASSGIS SYSTEM, ACQUISITION BY FORM 1000, 1978
2. STATE OF MASSACHUSETTS RECORDS
3. PLAN OF LAND IN CIVIL FIELD, MADE, SURVEYED FOR MASHUP & DON W. MASHUP, JR. MAY 21, 1998
4. PLAN OF LAND IN CIVIL FIELD, MADE, SURVEYED FOR MASHUP & DON W. MASHUP, JR. MAY 21, 1998
5. PLAN OF LAND IN CIVIL FIELD, MADE, SURVEYED AT THE SOUTH COUNTY RESERVE OF MASHUP (RECORDS)
6. PLAN OF LAND IN CIVIL FIELD, MADE, SURVEYED FOR DON W. MASHUP & SOUTH SHORE ESTATE, INC. SOUTH COUNTY RESERVE, 1997
7. DEVELOPMENT AGREEMENT & MAP, INC. RECORDS AT THE RESERVE AS OF 1994
8. MAP FROM INSTALL. 10, 1971 BY MASHUP'S SURVEYING AND BOUNDARY COMMISSION, 1971
9. MAP FROM INSTALL. 10, 1971 BY MASHUP'S SURVEYING AND BOUNDARY COMMISSION, 1971
10. MAP FROM INSTALL. 10, 1971 BY MASHUP'S SURVEYING AND BOUNDARY COMMISSION, 1971
11. MAP FROM INSTALL. 10, 1971 BY MASHUP'S SURVEYING AND BOUNDARY COMMISSION, 1971
12. MAP FROM INSTALL. 10, 1971 BY MASHUP'S SURVEYING AND BOUNDARY COMMISSION, 1971

EXISTING WETLAND RESOURCES
MOSHUP TRAIL
AQUINNA, MASSACHUSETTS

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NO.	DATE	REVISION
2	6/24/08	REVISED STONE WALLS ON WEE PROPERTY, REVISED NOTES AT CULVERTS, AND ADDED BRUTUS RT BW AT MOSHUP.
1	5/27/08	ADDED ADDITIONAL SURVEY CONTROL POINTS IN FIELD AND SUPPLEMENTED DELINEATIONS WITH DON SCHALL ON 5/22/08