

Existing Land Use Chapter **DRAFT**

Purpose

This section discusses current and likely future land use patterns in South Berwick. Understanding land use trends is important for determining South Berwick's ability to absorb future growth. The Growth Management Act of the late 1980's was the catalyst for a more technical examination of how Maine cities and towns should manage their growth. It was the result of a decade of extremely strong residential growth. The major emphasis of the law then, and now, was how to provide for growth in specific areas (growth areas) served by public infrastructure (particularly water and sewer), close to municipal services while also maintaining rural areas that could support natural resource based industries, wildlife habitat and conservation of natural features. The state of Maine considers the Land Use Section of any comprehensive plan to be the essential part of the plan. Specifically, this section:

- a. summarizes the breakdown of developed and undeveloped land in terms of estimated acreage and location,
- b. discusses major changes in South Berwick's land use patterns and how these might affect future land use; and
- c. identifies land areas suitable and unsuitable for growth.

Key Findings and Issues

- Development in South Berwick slowed between 2000 and 2010, but it appears to be on an uptick since 2020.
- Development has happened in some ways as expected based on the zoning ordinance, however more development has taken place in rural areas than in the residential growth areas and developing zones.
- The majority of the vacant developable land remaining in South Berwick is in the rural zoning districts. This means that development has successfully been concentrated in the village areas, but considerations should be made for future planning of the rural zones.

Community Engagement Results

PLACEHOLDER

Historical Perspective

South Berwick consists of approximately 21,057 acres (32.9 square miles). Until around 1990 or so, there was little evidence of sprawl. This is largely due to the continual reinforcement of the traditional development patterns in Town; first, as it occurred before land use regulation and then, as it was reinforced through the Town's Zoning Ordinance. Historically, most development was located near the Town center. This happened in an organic fashion, similar to other New England villages. Development was concentrated near rail corridors, water bodies and regional transportation networks. Subsequently, sprawl is a more recent phenomenon of the late 1990s to present. Beginning in the 1980s and with the

approval of the Old Mill and Agamenticus Estates subdivisions, the town began to see growth expanding from the village area proper. At the time, Agamenticus Estates was the largest single family residential subdivision in the state. An expanding Town center began to evolve. South Berwick was fortunate to have had a strong zoning ordinance in place during this time and notably had the first cluster/open space ordinance developed in the state of Maine. The first Comprehensive Plan and subsequent zoning changes under the Growth Management Act attempted to add emphasis on village and expanding village growth while conserving the more rural parts of town. Much of the 1992 full scale rewrite of the ordinances is still contained in the current ordinance.

The degree to which the ordinances have managed to concentrate growth in the so called “growth zones” is one part of the analysis below. Market forces and the desire of new residents to own land in a rural setting was and is a constant battle for a suburban bedroom community such as South Berwick. It is clear more growth in rural areas is taking place, particularly along rural roadways, and private roads. Balancing that growth with increased demands for housing of all types is a major upcoming challenge.

[Overview of Zoning Districts](#) *(Shoreland Zones are covered in the Natural Resource section)*

The following is the list of zones and their intended uses as outlined in the South Berwick Zoning Ordinance:

R1 Residential Village

To provide areas of medium to high density residential development in locations compatible with existing development and in a manner appropriate to the economical provision of community services and utilities.

R1A Residential Growth

To provide an additional area for future village growth contingent upon the provision of water and sewer services.

R2 Residential Developing

1. To provide areas of suburban and medium density development in locations relatively close to the village service area, compatible with existing development.
2. To direct growth into areas where extension of community services is likely to become economically feasible.

R2A Residential Suburb Growth

To provide an additional area for future suburb growth contingent upon the provision of water and sewer services.

R3 Residential Transitional

1. To retain the rural residential character of an area of the town by encouraging low density uses and the maximum number of uses, consistent with controlling nuisances and unsafe and unhealthy conditions.
2. To provide an area where agriculture and conservation uses are encouraged.
3. To direct growth where it can be planned for the most reasonable use of community

services.

R4 Residential Rural

1. To retain the rural residential character of an area of the town by encouraging low density uses and the maximum number of uses, consistent with controlling nuisances and unsafe and unhealthy conditions.
2. To provide an area where agricultural and conservation uses are encouraged.

R5 Residential Agamenticus Resource

1. To protect the "Mt Agamenticus area" in accordance with the goals and strategies of the Comprehensive Plan.
2. To allow for low density housing, while creating a contiguous area of important natural resource systems of scenic beauty and recreational opportunity.
3. To minimize and prevent those uses which could prove detrimental to the environment of the Mt. Agamenticus area.

B1 Business Central Commercial

1. To encourage the location of commercial uses on those lands within the community which are best suited for such development.
2. To protect the present commercial development from the blight, congestion and inconvenience caused by inappropriate and poorly located development of commercial facilities.
3. To avoid the economic disadvantage of providing essential services to commercial facilities which would occur if commercial facilities developed in a strip fashion along highways and major thoroughfares.
4. To provide areas in which the location of public facilities can serve the greatest number of people as economically as possible.
5. To provide areas for high density residential development in locations compatible with existing development and in a manner appropriate to the economical provision of community services and utilities.

B2 Business Mixed

1. To protect residences, residential character and residential amenities.
2. To provide locations for business and service establishments and mixed use properties consistent with the needs of a growing town for expanded personal and professional services.
3. To encourage the location of service uses along existing service corridors in a zone where lot sizes permit sufficient parking and amenities necessary for those uses.
4. To provide a limited area for the establishment of light industries which do not intrude on abutting properties.

BR Business Residential – Note: this zone is not included in any GIS Zoning layer, including the one on the SB website. Is this still a zone? 8 Parcels are coded as BR in the current parcel GIS layer.

Industrial Zone I1 and I2

1. To promote the location of light industry or high value business where services and transportation facilities presently exist or can reasonably be provided.
2. To prevent inappropriate juxtaposition of industrial uses and residential uses.
3. To provide effective siting and controls on those uses which, by virtue of their size or external effect (noise, waste discharge, glare, fumes, dust, smoke, traffic generation and parking areas, etc.) could otherwise create nuisances or unsafe or unhealthy conditions
4. Eliminate residential use in the I1 zone.
5. Retain existing mixed-use in the I2 zone.

Residential Development

In 2000, South Berwick had approximately 2,488 total housing units. That increased to 2,911 by 2010 (17%) and to only 2,987 (2.6%) by 2020. South Berwick had the lowest increase in total units from 2010-2020 among surrounding communities, representing a significant shift from the decade before, where South Berwick and Berwick saw growth rates faster than the county and state overall.

Total Housing Unit Change 2000-2020					
	2000	2010	2020	2000-2010 Change	2010-2020 Change
South Berwick	2,488	2,911	2,987	17.0%	2.6%
Berwick	2,414	2,934	3,200	21.5%	9.1%
Eliot	2,418	2,669	2,966	10.4%	11.1%
North Berwick	1,705	1,930	2,087	13.2%	8.1%
York	8,053	8,649	9,049	7.4%	4.6%
Rollinsford	1,060	1,099	1,135	3.7%	3.3%
Maine	651,901	721,830	739,072	10.7%	2.4%
York County	94,234	105,773	112,198	12.2%	6.1%

Source: US Decennial Census, 2000, 2010 & 2020

As of 2021, South Berwick has 228 multi-unit structures with a total of 698 dwelling units. 11% of dwelling units in multi-family structures have been built since 2010. Multi-unit structures have become more popular and accepted development in recent years, especially in southern York County. South Berwick has seen a handful of multi-family developments, all concentrated in the downtown area. The assessing database lists 3 structures with 20+ units.

Multi-Unit Housing Structures, 2021

Assessing Code	Total Database Entries	Total Dwelling Units
COMMERCIAL	22	109
EXEMPT	9	59
MIXED USE PRIMARY COMM	2	6
MIXED USE PRIMARY RES	1	2
MOBILE HOME	2	4
MULTI SEPARATE DWELLINGS	1	2
RES 2 FAMILY	100	208
RES 3 FAMILY	14	41
RES 4-6 UNITS	18	85
RES 7+ UNITS	8	77
RES SINGLE FAMILY	51	105
Total	228	698

Source: South Berwick Assessing

Multi-Family Units 2000-2021		
	Structures	Units
Built 2020-2021*	4	31
Built 2010-2020	13	47
Built 2000-2010	12	27
Total	29	105

*Source: South Berwick Assessing *Only two years*

Note: Assessing data does not show what year a structure may have been converted to multi-unit, only the year built. Therefore, this data omits units which may be in older structures that were converted in this time period.

The following table shows how single-family development has been dispersed throughout the town over time. The R1 Residential Village zone historically saw the most residential development, especially before 1990. Between 1990 and 2019, the R3 Residential Transitional Zone had slightly more development than the village zone. The R1A, R2 and R2A zones have all seen less single family homes than the R3, R4 and R5 zones, despite being intended to direct development closer to the village areas.

New Single-Family Homes by Zone, 1980-2022						
ZONE	Before 1980	1980-1989	1990-1999	2000-2009	2010-2019	2020-2022*
B1	5.1%	0.2%	1.5%	2.4%	3.0%	21.0%
B2	2.5%	0.2%	0.0%	0.3%	0.7%	1.6%
I1	0.8%	12.0%	0.4%	0.3%	0.7%	0.0%
R1	39.0%	36.6%	26.6%	21.4%	23.7%	12.9%
R1A	5.6%	1.2%	1.1%	2.4%	2.2%	0.0%
R2	4.4%	18.1%	7.1%	5.3%	2.2%	1.6%

R2A	2.9%	2.7%	6.7%	2.1%	3.7%	14.5%
R3	29.8%	19.9%	31.5%	40.9%	29.6%	17.7%
R4	7.5%	5.7%	16.1%	16.6%	22.2%	12.9%
R5	2.4%	3.3%	9.0%	8.3%	11.9%	17.7%
Total	906	814	267	337	135	62
<i>Source: South Berwick Assessing Database, * Only two years</i>						
<i>No BR in this table because it was created by overlaying home points on the zoning GIS layer</i>						

Most multi-unit structures are in the business zones and the village district. The R3 transitional has the second most residential parcels overall, including multi-unit dwellings.

Residential Parcels by Zone and Number of Units, 2022					
	1 Unit	2 Units	3 Units	4-6 Units	7+ Units
B1 BUSINESS CENTRAL COMM	28	12	4	8	4
B2 BUSINESS MIXED	27	14	1	1	
BR BUSINESS RESIDENTIAL	1	2	1		
I1 INDUSTRIAL	9				
R1 RESIDENTIAL VILLAGE	777	42	5	9	3
R1A RESIDENTIAL GROWTH	73	3			
R2 RESIDENTIAL DEVELOPING	200	4			
R2A RESIDENTIAL SUBURB GROWTH	81				
R3 RESIDENTIAL TRANSITIONAL	718	23	3	1	
R4 RESIDENTIAL RURAL	241	3			
R5 RESIDENTIAL AGAMENTICUS RESOURCE	126	2			
<i>Source: South Berwick Assessing Database</i>					

Commercial Land Use

Commercial development in South Berwick has always been gradual. Since 2000, the town has permitted a total of 45 commercial building permits, with a steady decrease in the number of permits since 2005. The town has prioritized more economic development in recent years, especially in local TIF districts.

Commercial Building Permits						
Years	2000-2004	2005-2009	2010-2014	2015-2019	2020-2021*	Total
Permits	15	13	10	7	2	45
<i>Source: Town Reports; *Only 2 years</i>						

Commercial development has, as expected, concentrated in the B1 business district, the industrial district, and the village. The large acreage in the R2 zone is in part the golf course.

Commercial Development by Zone

Zoning District	Total Acres	Parcels
B1 BUSINESS CENTRAL COMM	15.7	35
B2 BUSINESS MIXED	0.8	1
BR BUSINESS RESIDENTIAL	0.6	2
I1 INDUSTRIAL	130.8	15
R1 RESIDENTIAL VILLAGE	4.0	8
R2 RESIDENTIAL DEVELOPING	124.9	4
R2A RESIDENTIAL SUBURB GROWTH	1.4	1
R3 RESIDENTIAL TRANSITIONAL	121.0	5
Total	399.1	71

Source: South Berwick Assessing Database

Industrial Development

South Berwick has a small amount of industrial development along Route 236, and mainly in the industrial zoning districts. No significant industrial growth has happened in the community in recent years.

Industrial Development by Zone		
Zoning District	Total Acres	Parcels
BR BUSINESS RESIDENTIAL	2.1	1
I1 INDUSTRIAL	21.9	5
Total	24.0	6

Source: South Berwick Assessing Database

Developable Land Analysis

Constraints to Development

There are several various constraints to development. Some are physical characteristics of the land which make development impossible, less feasible, or are protected under certain resource conservation regulations. Other constraints such as conservation and current use programs hold land in ways that make it not readily developable, even if it is vacant. South Berwick has long had a large portion of the town area in conservation or held publicly. This is a natural deterrent to development, especially in the environmentally sensitive or valuable places where it should be discouraged.

Current Use

Current Use Parcels	
Current Use Type	Acres
Farmland	39.3
Open Space	625.3
Tree Growth	1672.6
Total	2337.1
<i>Source: South Berwick Assessing Database</i>	

The town currently has over 2,300 acres in Farmland and Open Space or Tree Growth tax programs. Landowners that enroll in these programs are incentivized to keep the land in current use for a certain period of time, making it not readily available to development.

Publicly Owned & Tax-Exempt Land

Publicly Owned & Tax-Exempt Land	
Owner/Type	Acres
Town of South Berwick	622.02
South Berwick Water District	135.23
State of Maine	2055.01
Berwick Academy or SAD 35	124.94
Utility (CMP, Granite State Gas, etc.)	232.66
Other Exempt	353.96
Total	3523.81
<i>Source: South Berwick Assessing Database</i>	

The town also has over 3,500 acres that are tax-exempt or owned by public entities. Over 2,000 acres of this land is owned by the state, most of which is in the Mt. Agamenticus conservation area. The town itself owns over 600 acres, and public utilities hold over 300 acres.

Vacant vs Developed Land

The following table shows the total vacant developable land based on the assessor's parcel data. This analysis estimates that around 22% of South Berwick's land area is vacant and not held in one of the above constraints to development. However, this does not consider physical constraints to development.

Assessing Parcel Dataset Developable Lands Analysis					
	Total Acres	Percent of Total Acres	Parcels	Percent of Total Parcels	Avg Parcel Size
Current Use	2,337.2	11.7%	74	2.3%	31.6
Not Readily Developable	3,955.9	19.9%	245	7.7%	16.0
Developed Residential	8,673.2	43.6%	2,508	78.7%	3.5
Developed Commercial	399.4	2.0%	73	2.3%	5.5
Developed Industrial	24.0	0.1%	6	0.2%	4.0
Developable Residential	4,469.6	22.5%	276	8.7%	16.2
Developable Commercial	17.9	0.1%	4	0.1%	4.5
Developable Industrial	14.9	0.1%	2	0.1%	7.5
Total	19,892.1		3,188.0		88.8
All Developed	9,096.6	45.7%	2,587.0	81.1%	
All Vacant/Developable	4,502.4	22.6%	282.0	8.8%	
All Current Use or Not Developable	6,293.1	31.6%	319.0	10.0%	

Source: South Berwick Assessing Database
Includes all parcels with coded property description.

To get a more accurate picture of vacant developable land, physical constraints to development were removed from vacant land. These included soils with low suitability for development, conserved lands, shoreland zoning buffers and waterbodies. Some of these constraints, such as 10 acre wetland buffers, account for 13% of the town's total land area. Note, there is a significant amount of overlap of physical constraints, so the total acreage is more than the total town area.

After removing land with physical constraints to development, land not readily developable, and land already developed, there is estimated to be 1,344 acres of total developable land remaining. This represents about 7% of the town's total land area. The majority of the remaining vacant developable land is within the R3, R4 and R5 zones, which should be a major consideration for future land use planning.

Geospatial Developable Lands Analysis		
Physical Development Constraints	Acres	Percent of Total Acreage
Low Soil Suitability for Development	11,847.76	59%
Conserved Lands	4,429.57	22%
Stream Buffers	1,165.93	6%
River Buffers	563.67	3%
Great Pond Buffers	1,571.23	8%
10 Acre Wetland Buffers	2,636.77	13%
Waterbodies	243.04	1%
Developable Land	Acres	Percent of Total Acreage
Total Physically Developable Land (No Physical Constraints)	5,279.62	26%
Total Developable Land (No Physical Constraints & Land is Readily Developable)	4,624.04	23%
Total Vacant Developable Land (No Physical Constraints, Land is Readily Developable & Not Already Developed)	1,343.80	7%
<i>Source: SMPDC Developable Land Analysis, South Berwick Assessing Database</i>		

Developable Land by Zoning District			
Zoning District	Physically Developable Acres	Developable Acres	Vacant Developable Acres
B1	25.88	11.16	0.26
B2	19.70	16.10	0.00
I1	134.77	78.91	28.67
R1	526.07	420.88	106.14
R1A	82.30	80.61	0.00
R2	212.14	166.00	23.11
R2A	157.85	150.25	9.65
R3	2,387.07	2,070.25	648.58
R4	1,211.20	1,137.65	383.77
R5	522.65	491.76	144.09
<i>Source: SMPDC Developable Land Analysis, South Berwick Assessing Database</i>			

Average Parcel Size by Zone		
Zoning District	Average Parcel Size (Acres)	Total Parcels
B1 BUSINESS CENTRAL COMM	0.53	108
B2 BUSINESS MIXED	0.65	57
BR BUSINESS RESIDENTIAL	0.85	8
I1 INDUSTRIAL	12.64	49
R1 RESIDENTIAL VILLAGE	1.19	935
R1A RESIDENTIAL GROWTH	2.02	79
R2 RESIDENTIAL DEVELOPING	4.38	252
R2A RESIDENTIAL SUBURB GROWTH	6.90	102
R3 RESIDENTIAL TRANSITIONAL	8.29	1045
R4 RESIDENTIAL RURAL	11.65	326
R5 RESIDENTIAL AGAMENTICUS RESOURCE	16.01	227
<i>Source: South Berwick Assessing Database</i>		

Residential Parcel Analysis			
	Acres	Parcels	Avg. Parcel Size
Residential 1 Unit	8001.3	2281	3.5
Residential 2 Unit	271.5	105	2.6
Residential 3 Unit	24.0	14	1.7

Residential 4-6 Units	45.2	19	2.4
Residential 7 or More Units	6.8	7	1.0
Condos Residential	1.5	3	0.5
<i>Source: South Berwick Assessing Database</i>			

Impact of Zoning and other Growth Management Techniques on Land Use

South Berwick’s zoning measures have been relatively successful over the years in directing growth to the village and surrounding area, although much of the concentration of village growth has been present for decades. It is clear however, that the availability of land for development in the so called “growth areas” is diminishing and based on the current zoning construct may not be adequate for growth projected into the future. Recent development in the rural zones has increased and the availability of land in those areas is far greater than availability in and around the village. This has major implications for residential growth in rural zones in the future.

The Town’s B1 zone, which essentially has no minimum lot size requirement, has been almost fully built out. Several multifamily projects and conversions have taken place in this district in recent years.

One interesting piece of South Berwick’s growth has been how the purchase of conservation lands in the rural areas has worked as a growth management technique in its own right. It is hard to imagine what the R5 Mt. Agamenticus Zone would look like without the volume of conservation lands and easement purchased over the last 30 years. Cluster/Open Space options, while not eliminating growth in rural areas can work to preserve natural and recreational assets. South Berwick has been amongst the most active communities in the region in that regard.

Another positive pattern has been the increase in multifamily development in and around the village over the past decade. Upwards of 50 units have been built in the village – development which might have taken place in open space otherwise. The trend towards increased housing options is now a major issue in Maine and will need to be addressed within the recommendations of this plan.

One of the largest zones in town is the industrial zone, essentially encompassing both sides of Route 236 from the intersection of Route 91 south. Residential dwellings are currently not permitted in the industrial zone, thus removing a large area potentially available for housing from the town. As the industrial zone continues to develop options for creative zoning measures in these areas might be warranted.

Overlaying all these issues is the impact and the town’s preparation for LD 2003, the recently adopted Maine Statute addressing the need for housing options. The availability of land on water and sewer and the relative lack of available land within the town’s growth area will need to be examined when addressing the law.

Future Development & Planning Considerations (Goals)

Land Use Planning can be used to improve the efficiency of land use, to minimize conflicts between incompatible uses, to reduce or eliminate environmental hazards and to minimize degradation of the environment. This analysis inventories the location and extent of the various land uses and identifies

future land use trends. This information, along with that from the location and capacity of water, sewer, and transportation services and facilities, soil suitability, and other environmental concerns, provides the basis for land use planning.

Land Use Development Patterns

More efficient use of land and municipal services and facilities usually consists of: encouraging infill development near village center, and full use of urban areas; concentration of development near water, sewer, and highway systems; and the conservation of open space. It has been and continues to be South Berwick's policy to encourage growth in the R-1 and R-2 zoning districts in and adjacent to the village (where higher density is allowed), and to limit development in the more rural R-3, R-4, and R-5 districts. The Town is committed to avoiding the problems of development sprawl.

Land Use Compatibility

Another goal of land use planning is to assure compatibility of adjacent land uses and reduce or minimize conflicts between incompatible adjacent uses. Current zoning districts in South Berwick attempt to minimize such conflicts by segregating industrial and high volume commercial uses from the residential districts. The public and private schools in South Berwick, when added to the commercial and residential mix, maximize the transportation system during the school year morning and afternoon commute.

Projected Land Acreage Needed for Development

The Housing Chapter included housing projections based on a 3.3% and 11% increase in population over the next 20 years. It also considered scenarios where the average household size stayed the same as 2020, and if it decreased at the same rate it has over the last decade. This resulted in an estimate of between 190 to 340 housing units needed by 2040 with a steady average household size, and 280 to 440 new housing units if average household size continued to decrease.

The average parcel size for parcels coded as single family is 3.5 acres, and that decreases to 2.3 acres for duplexes and 2.4 for 4-6 unit structures. At an average of 3.5 acres per parcel and assuming average household sizes stay the same, the town would need 665 to 1,190 acres for new development in the next 20 years. However, as multi-unit dwellings become less regulated due to new laws, it is possible that South Berwick will reach the upper threshold of needed units on far fewer acres. At an average of 2.3 acres, the town would only need 437 to 782 acres for the same number of units. It is also likely that development in South Berwick will be less than projected.

Future Land Use Plan

The Future Land Use Plan is the crux of the recommendations which the Comprehensive Plan asserts. The Future Land Use plan which results from the findings of this chapter is included in the Land Use section of the Goals, Policies and Strategies following the inventory section of the plan.

Build Out Analysis

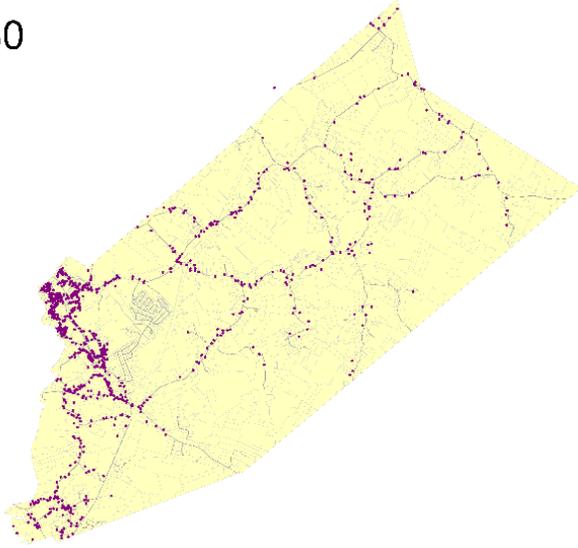
- Estimates total estimated acres of developable land based on the area of different zones, three different scenarios. SMPDC did one analysis that did not include already developed land, Edward

& Kelsey updated it (this one is included in the chapter). Future land use plan recommends the changes under one scenario. **Should SMPDC replicate this for this plan?**

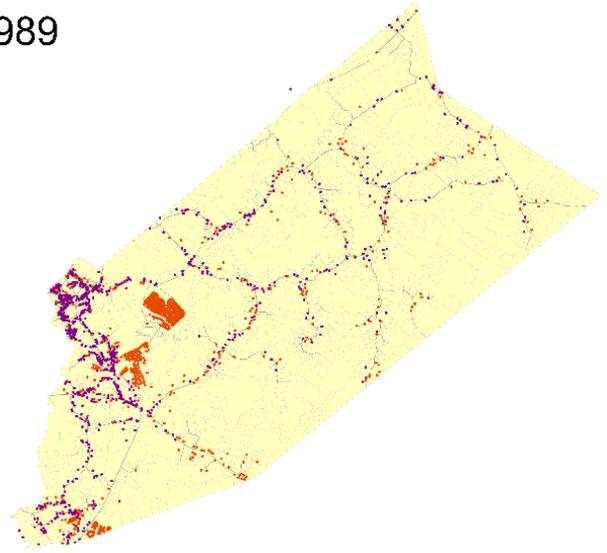
South Berwick Residential Development Over Time: Single-Family Homes



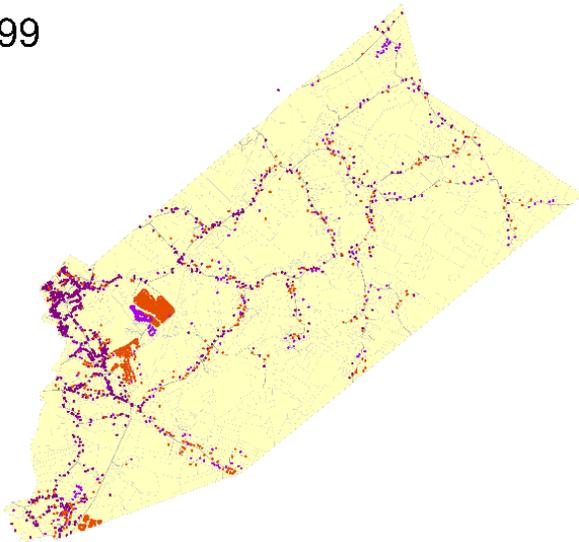
1980



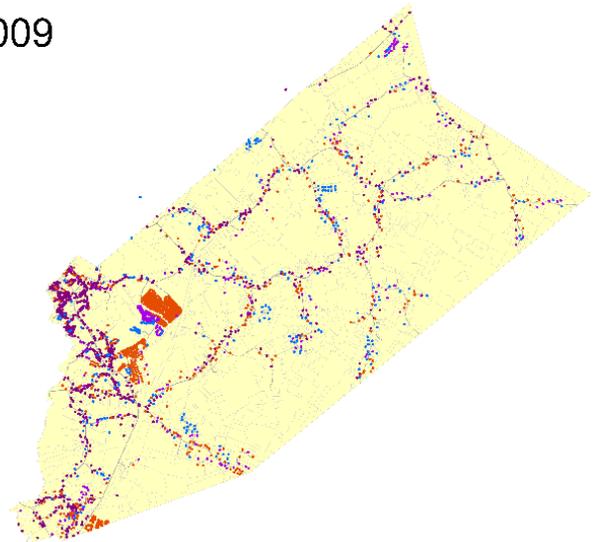
1989



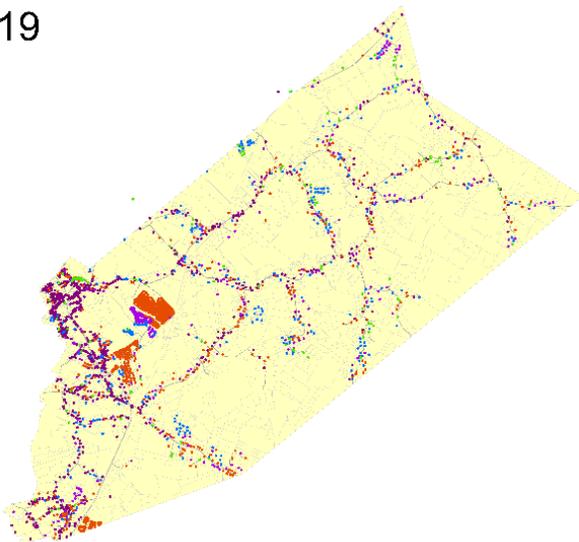
1999



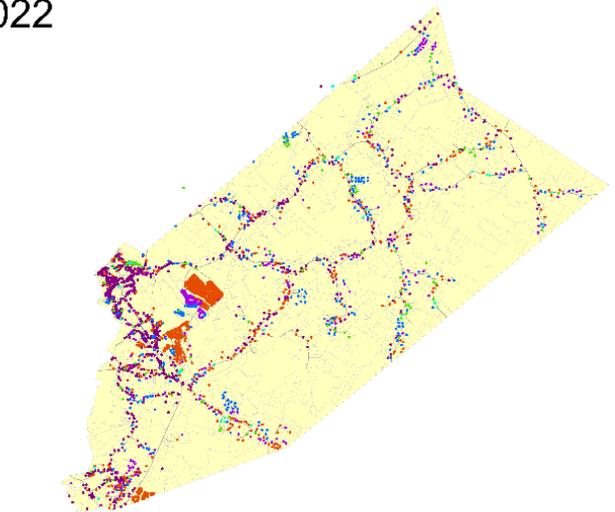
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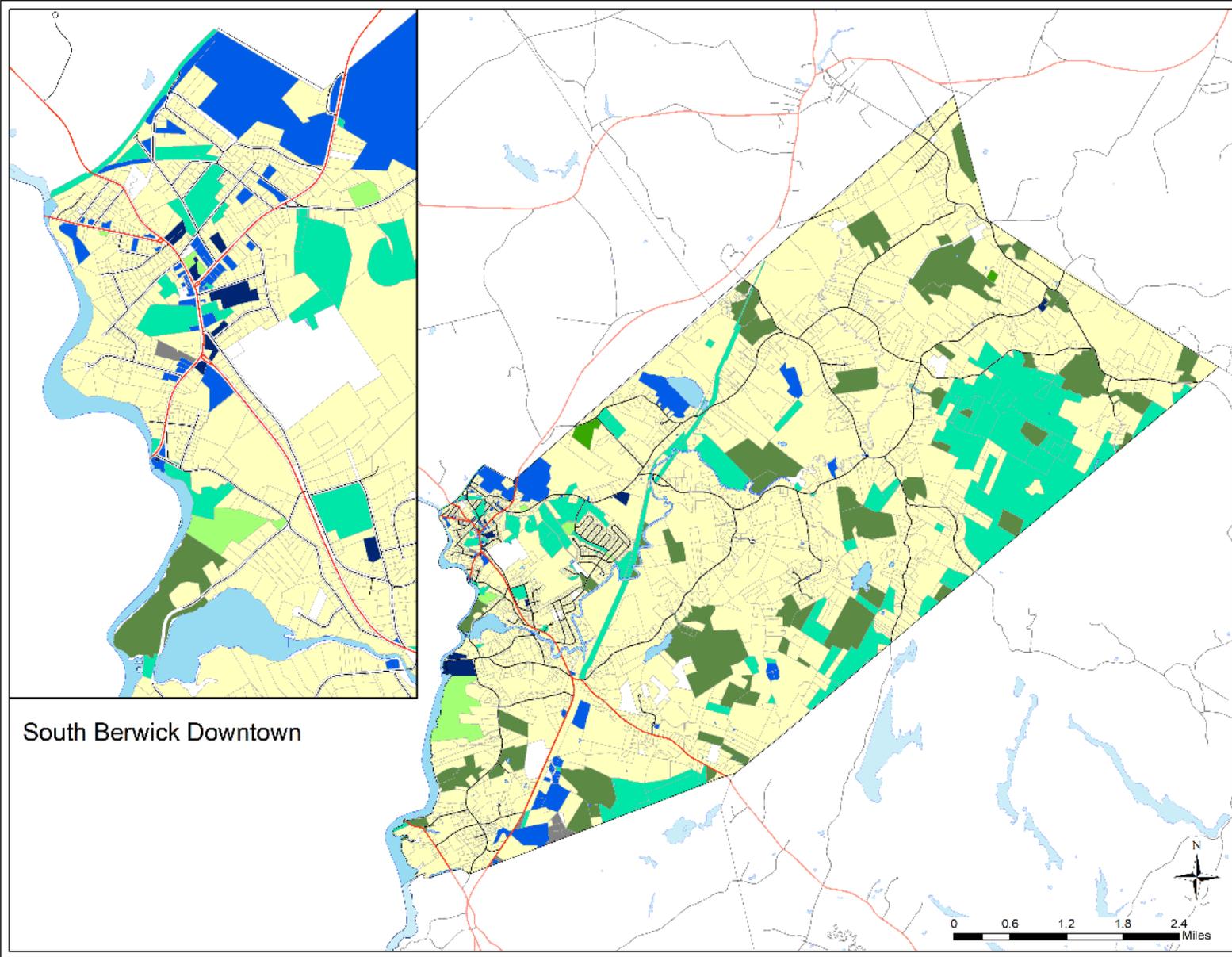


2019



2022





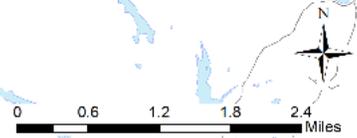
South Berwick Current Land Use

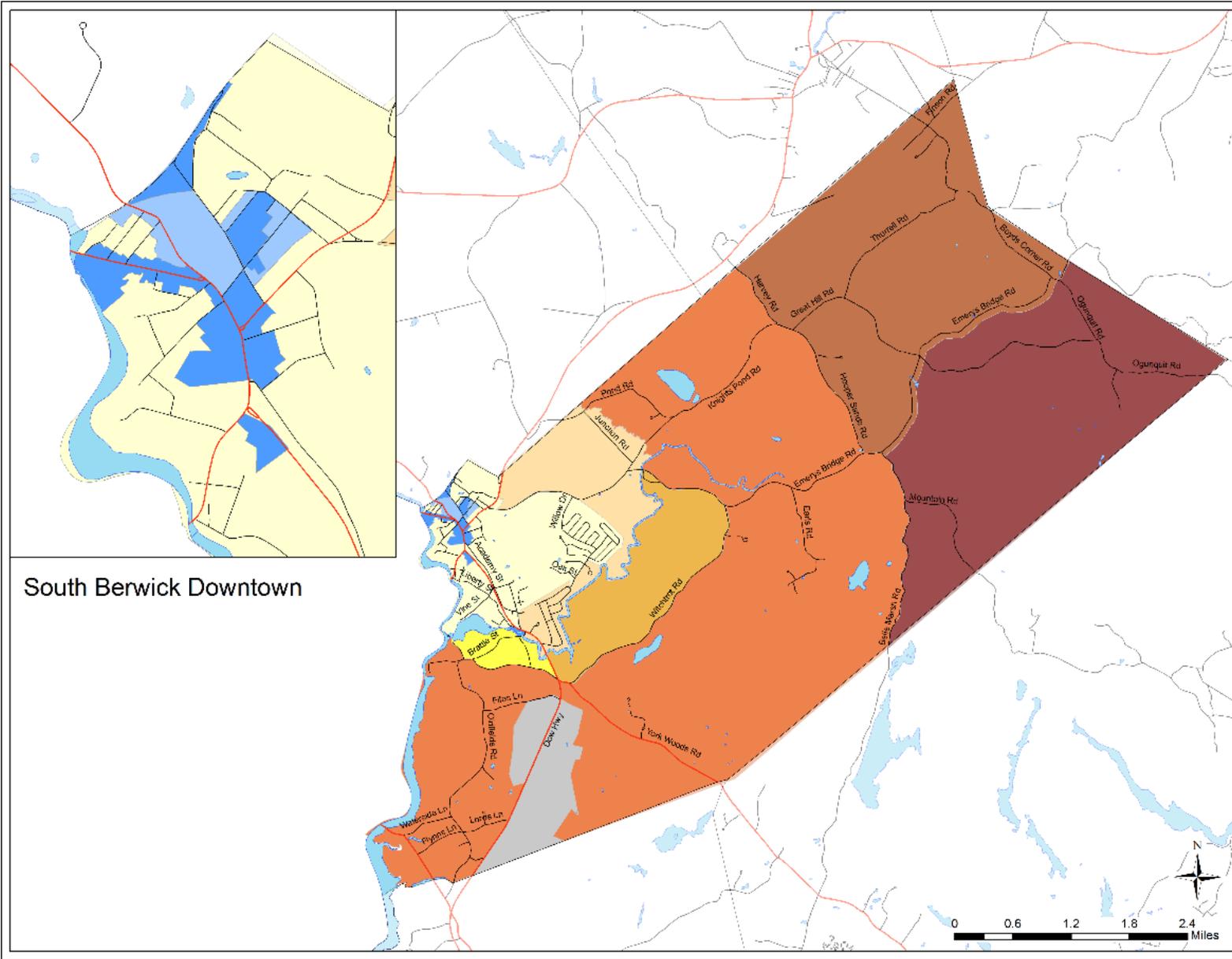
South Berwick
Comprehensive Plan

- Land Use Code**
- COMMERCIAL
 - INDUSTRIAL
 - EXEMPT
 - FARM
 - OPEN SPACE
 - TREE GROWTH
 - CHURCH
 - INSTITUTIONAL
 - LIT & SCI
 - MUNICIPAL
 - PUBLIC
 - STATE
 - UTILITY
 - RESIDENTIAL

South Berwick Downtown

*This map is not authoritative. Data should be used for planning purposes only.
Source: Beginning with Habitat, York County Soil and Water*





South Berwick Zoning Map

South Berwick Comprehensive Plan

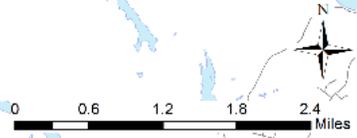
South Berwick Zoning

ZONE

- B1
- B2
- I1
- R1
- R1A
- R2
- R2A
- R3
- R4
- R5

South Berwick Downtown

*This map is not authoritative. Data should be used for planning purposes only.
Source: Beginning with Habitat, York County Soil and Water*



South Berwick Developable Land Analysis

South Berwick Comprehensive Plan

After removing land which is not readily developable, due to ownership or conservation status, and land which is already developed (at least one structure), there is approximately 1,345 acres of developable land remaining in South Berwick.

-  Developable Land
-  South Berwick Parcels
-  Waterbodies
- ZONE**
-  B1
-  B2
-  I1
-  R1
-  R1A
-  R2
-  R2A
-  R3
-  R4
-  R5

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Source: Beginning with Habitat, York County Soil and Water*

